

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1637 of 2013

IN

Civil Writ Jurisdiction Case No. 5899 of 2012

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Suresh Singh S/O Late Shivnath Singh Resident Of Village - Nainpur, P.O. - Nainpura, P.S. - Pachrukhi, District - Siwan

.... Appellant/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Collector, Siwan
3. Additional Collector, Siwan
4. The Revenue And Land Reforms Commissioner Through Principal Secretary
5. The Executive Engineer, Gandak Project, Maharajganj, District - Siwan
6. The Programme Officer, Pachrukhi Block, District - Siwan
7. The Sub-Divisional Officer, Saran Sub-Division Gandak Project Tarwara, District - Siwan
8. The Incharge Assistant Engineer, Saran Canal, Sub-Division, Gandak Project Tarwara, Siwan
9. The Chief Engineer Of Electricity Department, Siwan
10. The Mukhiya, Supauli Panchayat, P.S. - Pachrukhi, District - Siwan
11. Circle Officer, Pachrukhi, Block Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-03-2017

I. A. No. 8942 of 2013 is allowed.

Delay of 165 days is condoned.

Based on some kind of a circular that if acquired land is not used for the purposes of acquisition, then the State may consider returning the land to the land owner. Such circular was annexed as Annexure-1 to the writ application.



The Learned Single Judge has taken note of the fact that it is an acquisition of the year 1977 for construction of a canal. Merely because the petitioner has not seen water in the said canal, he claimed right for return of the said land, when the fact is that the said land has vested in the State free from all encumbrances under Land Acquisition Act after due payment of compensation years ago.

The Learned Single Judge has committed no error by dismissing the writ application with such a prayer.

Order of the Learned Single Judge is not required to be interfered with.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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