

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17595 of 2014

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1. Babulal Mandal, son of late Bishwanath Mandal
 2. Rajendra Yadav, son of late Jageshwar Yadav(dismissed)
 3. Ghanshyam Mandal, son of late Raghu Mandal
 4. Kumed Kumar Mandal, son of late Hari Mandal
 5. Smt. Ranjo Devi, wife of Gopal Mandal
 6. Shiv Narayan Mandal, son of late Bishwanath Mandal, all resident of Village Balrampur, P.O. Hemkunj Kishanpur, District Katihar (dismissed)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. Principal Secretary, Government of Bihar Revenue and Land Reforms Department, Patna
3. Director of Land Acquisition, Bihar, Patna
4. Commissioner, Purnea Division, Purnea
5. Collector, Katihar
6. Additional Collector, Katihar
7. Sub Divisional Officer, Manihari Sub Division, District Katihar
8. District Land Acquisition Officer, Katihar
9. Circle Officer, Amdabad, Anchal, District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Gautam Bose

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-02-2018

This case was taken up on 13.2.2018, no one from the side of the petitioner was present to press this writ petition. Today also no one appears on behalf of the petitioner. However, learned counsel for the State is present.

Petitioner nos. 2 and 6 have already died. This Court has recorded this fact in the order dated 17.10.2017. According the petition has been dismissed against those petitioners, left out petitioners are petitioner nos. 1, 3, 4 and 5 and this order is



passed against four petitioners.

In the present case, petitioners are challenging the acquisition of their land appertaining to an area of 1.83 Acres of land, has been claimed to fertile and homestead lands including residential houses of poor marginal farmers. The land was acquired for connecting the approach road with the bridge. The Bihar Rajya Pool Nigam has sent requisition for acquisition of land measuring 1.84 Acres of land of Mauja Balrampur, Thana No. 235, Police Station Amdabad, during the district of Katihar. On receipt of the requisition, assessment of the cost of acquisition was prepared of Rs. 71,95,896.00 requested the Pool Nigam to make available the said amount for acquiring the land. Accordingly the said amount was deposited for the purposes of acquisition of the land, accordingly notice dated 4.9.2012 was issued under Section 4 of the Land Acquisition Act which was published in the Official Gazette No.17 and also published in the local Hindi daily Prabhat Khabar, Katihar on 13.9.2012 inviting the petitioner and affected or interested persons to file their objection as provided under Section 5(A) of the Land Acquisition Act. No objection was received during the prescribed time and accordingly a notification under Section 6 of the Land Acquisition Act was issued vide Memo No. 219 dated 25.3.2013



but the objection was filed belatedly and the same was rejected.

Accordingly all proper procedure was adopted for acquisition of the land in question and grievance of the petitioners for non-observance of the mandatory provisions is completely incorrect, accordingly the land was acquired for the purposes of the construction of the approach road of bridge no.6 on Manihari Amdabad Road.

In view of the stand taken by the State in the counter affidavit, the claim that they have not followed the proper procedure in acquiring the land is completely not sustainable, the land has been acquired following the proper procedure that too for public purposes. It will not be proper for this Court to interfere in the matter. But the State is directed that if the authority has not disbursed the amount of compensation they must disburse the compensation amount to the person interested.

With the aforesaid observation and direction this writ petition is dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.2.2018
Transmission Date	NA

