

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17812 of 2014

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Md. Atiqur Rahman Son of Late S.K. Ataur Rahman, Resident of Village -
Kharhaiya Basti, Post Office - Araria, P.S. - Araria, District - Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Collector, Araria, District - Araria.
3. The District Land Acquisition Officer, Araria, District - Araria.
4. The Circle Officer, Araria, District - Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Advocate

For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-02-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

On earlier occasion i.e. on 30.11.2017, this Court has recorded that the State is no longer interested to acquire the land, in dispute, and they were contemplating to de-notify the land from acquisition and make the land to be free.

An affidavit has been filed by the State, attaching the Notification issued under Section 93(1) of the 2013 Act, whereby the Government has withdrawn from acquisition of land looking to the astronomical rise of the price of the land and as such, the question of payment of compensation to the present petitioner does not arise.



Learned counsel for the petitioner submits that though the State has withdrawn the acquisition of the land, but for four years he has been deprived of usufruct of the land, so the loss incurred by the petitioner should be compensated by the State Government.

Let the petitioner file a proper application before the Land Acquisition Officer with the details of the loss which he has incurred. If such an application is filed, the Land Acquisition Officer, will hold an enquiry and if it is found that the petitioner has been deprived of usufruct of the land, to that extent the petitioner should be compensated but not by way of unjust enrichment.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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