

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1225 of 2017

1. Sakaldeo Prasad Singh,
2. Ajay Kumar @ Kapildeo Singh, Both S/o- Late Neem Sagar Singh, Both permanent Residents of Village - Malpur, P.O.- Piparia, P.S.- Barahia, District - Lakhisarai, Old District - Munger

... .. Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Lands Reforms Department, Government of Bihar, Patna
3. The Collector, Lakhisarai
4. The Deputy Collector, Land Reforms, Barahia, Lakhisarai
5. The Circle Officer, Barahia, Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan- SC 25

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 12-09-2018

Heard Mr. Ajay Kumar, learned counsel for the petitioner and Mr. Sajid Salim Khan, learned SC 25 for the Respondent-State.

The present writ application has been filed for a direction to the respondent-authorities either to acquire the land of the petitioner, appertaining to Thana No. 4, Tauzi Nos. 5230 and 5231, measuring an area of 4 Bigha and 17 Katha, situated at



Village Piparia, Mauza Basauna, P.S. Barahia, District Lakhisarai, permanently, which has been temporarily acquired by the State of Bihar for the purpose of temporary rehabilitation of the persons whose house has been eroded in flood in Ganga River, or to pay the ground rent in lieu of providing their land for rehabilitation purpose caused in temporary rehabilitation of all the affected persons.

It is submitted by learned counsel for the petitioners that the petitioners are the owners of the land in question and they have been paying rent regularly to the State of Bihar against the land in question. It is further submitted that in the year 1986, the State of Bihar through Respondent No.5, the Circle Officer, Barahia made a proposal to the petitioners for providing their lands for temporary rehabilitation of the families, whose houses were eroded by the river Ganga, to which the petitioners agreed on the consideration of ground rent for the land in question. Subsequently, the agreement was executed on 25.07.1986, as contained in Annexure-2. Consequently, the then District Magistrate, Lakhisarai fixed the compensation amount at the rate of Rs. 750/- per year, for the land of the petitioners, but for the year 1986 to 1996, no ground rent was paid to the petitioners, for which the petitioners made several representations before Respondent No.3, the District Magistrate,



Lakhisarai, in spite of that the ground rent were not paid to the petitioners.

In the circumstances, the petitioners prays for direction to the respondent authorities either to acquire the land in question of the petitioners permanently or to make payment of ground rent and compensation. It is further submitted that for redressal of their grievance, the petitioners submitted a representation before Respondent No.3, the District Magistrate, Lakhisarai on 06.06.2016, as contained in Annexure-5, but the same has not been disposed of till date. Hence, at present, the petitioners confine their prayer for disposal of their representation, as contained in Annexure-5.

Mr. Sajid Salim Khan, learned SC 25 submits that at present, he is not having any instruction whether the representation of the petitioners has been disposed of or not, but if the petitioners submit a fresh representation before Respondent No. 3, the District Magistrate, Lakhisarai, then the same will be disposed of within a reasonable time frame.

Considering the rival submissions of the parties, it is expected from the petitioners to submit a representation before Respondent No.3, the District Magistrate, Lakhisarai stipulating in detail their grievances, within a period of three weeks from the



date of receipt/production of a copy of this order, whereupon, it is expected from Respondent No.3, the District Magistrate, Lakhasarai to ensure the disposal of such representation of the petitioners with a speaking and reasoned order within a period of six weeks of its submission.

With the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

