

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12915 of 2016

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Girishwar Prasad Sahay S/o Late Jugeshwar Prasad Sahay Resident of Sahay Colony, P.O. - Banka, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Banka.
3. The District Land Acquisition Officer, Banka.
4. The Circle Officer, Banka, Anchal Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Sinha
For the Respondent/s	:	Mr.Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 22-09-2023

By way of this writ petition, the petitioner has
prayed for the following reliefs:-

"(i) For issuance of appropriate writ in the nature of mandamus seeking a direction to respondents to withdraw the land from acquisition and receive back the amount of Award which was given to the petitioner in Land Acquisition Proceeding started against him for construction of Koriandha sub-distribution canal but the said project was never began nor the land was vested in government and petitioner has been paying the rent regularly and the land in question remains in the possession of petitioner up till now.

(ii) For issuance of appropriate writ in



the nature of mandamus seeking direction to respondents to treat the petitioner as owner of land in question after withdrawing the land from acquisition and do not make any interference in his title and peaceful possession over the land in question as it was never vested in government and land Acquisition proceeding initiated against him has lapsed after expiry of 5 years."

2. It is the case of the petitioner that the State Government came out with a plan for construction of Kariandha Sub-Distribution Canal and acquired lands including the land of the petitioner. Thereafter, in the year 2004, the petitioner accepted the amount of compensation with objection. It is also the case of the petitioner that the work of the project never started and the land remained in possession of the petitioner. The Circle Officer also issued Land Possession Certificate (L.P.C.) in the name of the petitioner on 12.07.2016. Since, the work of the project has not been started, the petitioner made representation before the Circle Officer, Banka Circle with a request that he may be permitted to deposit the amount of compensation and his land may be revert back in his favour. Thereafter, on 15.02.2015, the petitioner also filed a representation before the Collector, Banka annexing his earlier application submitted before the Circle Officer but the same is still pending.



3. It has been contended by the petitioner that the representation of the petitioner which has been filed way back on 19.02.2015 has not been decided till date.

4. When a party represents before any authority with regard to his grievances, the authority concerned is duty bound to consider and decide the same in accordance with law within a reasonable period of time. In the present case, the representation is filed in the year 2015 and the same is still pending.

5. In such view of the matter, this writ application is disposed of with a direction to the Collector, Banka to dispose the pending representation dated 19.02.2015 filed by the petitioner before him after hearing the petitioner and pass a reasoned order in accordance with law. The representation of the petitioner must be decided by the Collector within a period of three months from the date of receipt/production of a copy of this order.

6. Let a copy of this order be communicated to the District Magistrate, Banka forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

Vikas/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.09.2023.
Transmission Date	N.A.

