

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6616 of 2016

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1. Maksundan Sharma, Son of Late Janardan Sharma, Resident of village-Dhuriari, P.S. Ghoshi, District- Jehanabad.
 2. Jitendra Sharma, Son of Late Janardan Sharma, Resident of village-Dhuriari, P.S. Ghoshi, District- Jehanabad.
 3. Ripusudan Sharma, Son of Late Janardan Sharma, Resident of village-Dhuriari, P.S. Ghoshi, District- Jehanabad.
 4. Radha Devi, Daughter of Late Janardhan Sharma, Wife of Sanjay Sharma, Resident of Village- Sumera, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue & Land Reforms, Patna.
2. The District Magistrate, Patna
3. The Special Land Acquisition Officer, Anisabad, Patna
4. The Land Acquisition Officer, Collectorate, Patna
5. The Circle Officer, Patna
6. The Anchal Amin, Patna

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Sunil Kumar Karn, Advocate
For the State	:	Mr. Manoj Kr.Ambastha, GP-14

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2023

1. Heard learned counsels for the parties.

Re: Interlocutory Application No. 9278 of 2016:-

2. Interlocutory Application No. 9278 of 2016 has been filed by the heirs and legal representatives of the sole petitioner, namely Janardhan Sharma, S/O Late Balo Singh, for substitution of their names in place of the petitioner who died during pendency of the present case on 09.08.2016.

3. In view of the reasons mentioned in the substitution petition, Interlocutory Application No. 9278 of 2016 is allowed.



4. Office is directed to make the necessary changes in the records.

Re: C.W.J.C. No. 6616 of 2016:-

5. This writ application has been filed for quashing letter No. 824 dated 31.08.2015 issued under the signature of Special Land Acquisition officer, Patna, whereby and whereunder the claim of the petitioner for payment of compensation amount on account of acquisition of land of the petitioner appertaining to Khata No. 163, Plot No. 754, Area- 2700 sq. ft., situated at Thana No. 18, Mauza- Rukanpura, P.S.- Danaput, District- Patna, has been rejected.

6. It appears that earlier the petitioner has moved before this Hon'ble Court for the same relief vide *C.W.J.C. No. 9380 of 2013*, which was disposed of on 17.06.2014 with a direction to the petitioner to file a detailed representation before the Special Land Acquisition Officer, Patna, who will examine the case of the petitioner within a period of two months and if he arrives to a conclusion that aforesaid land has been utilized for the said purpose, in that circumstance, he will be obliged to make payment of the compensation amount within a period of three months with statutory interest thereon.

7. Pursuant to the above order of this Hon'ble Court passed in *C.W.J.C. No. 9380 of 2013*, the petitioner filed a



detailed application before the Special Land Acquisition Officer, Patna, on 11.08.2014. The Special Land Acquisition officer, Patna, after hearing the parties and perusing the documents on record, rejected the same stating therein that on perusal of the enquiry report submitted by the Amin and Kanoongo, as well as the documents filed on behalf of the petitioner, the land of the petitioner has not been acquired for the purpose of Ganga Rail Bridge Project.

8. From perusal of the impugned order, it is apparent that after considering the entire material on record, the claim of the petitioner has been rejected. I do not find any error or irregularity in the order dated 20.04.2012 passed by the Additional Land Acquisition Officer, Patna.

9. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

10. This writ application stands dismissed.

11. However, the petitioners are at liberty to seek remedy before the appropriate forum, which may be available to them, in accordance with law.

(Prabhat Kumar Singh, J)

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