

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14700 of 2016

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Lakshmi Narain Jha Son of late Sheo Shankar Jha Resident of Village-
Muradpur, Post - Bishnupur, P.S. Parbatta, District Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Munger Division, Munger.
3. The Collector, Khagaria, District Khagaria.
4. The Additional Collector, Khagaria, District Khagaria.
5. The District Land Acquisition Officer, Khagaria, District Khagaria.
6. The Sub-Divisional Officer, Gogari, District Khagaria.
7. The Anchal Adhikhari, Parbatta, District Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, Gp-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-04-2024 Heard Mr. Sunil Kumar, learned counsel for the

petitioner and learned AC to GP-18.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of writ of Mandamus or any
other writ or writs and orders directing the
respondents to make the payment of the due
compensation amount with the damages, cost
and interest to the petitioner forthwith for the
petitioner's land which has been acquired and
taken possession by the State in the year 1982
itself and rehabilitated the displaced flood*



*victims of Kajjal Bank and Panchkutti in
Nayagaon village due to erosion by the flood in
the Ganges in the year 1977-78.*

3. On 24.8.2023, the following order was passed.

*"Learned counsel for the petitioner
and learned counsel for the State are
present.*

*2. Learned counsel for the petitioner
submits that his land admeasuring
an area 1.60 acres has been
acquired in the year 1982 for the
purpose of rehabilitation of flood
victim vide Land Acquisition Case
No.3/1977-78, but till date,
compensation has not been paid.*

*3. In this background, the State is
directed to file a counter affidavit
within four weeks from today.*

*4. List this matter on 6th of October,
2023.*

*5. In the meanwhile, the petitioner
would be at liberty to file rejoinder*



upon filing of the counter affidavit, if required".

3. The matter was fixed for 6th of October, 2023 by the coordinate bench.

4. Today, six months later, when the case was called out, learned GP-18 submits that though information was given to the respondents, no statement of fact received and as such counter affidavit is not on record.

5. In the aforesaid circumstance, a cost of Rs. 5000/- is imposed upon the Collector, Khagaria to be paid to the District Legal Services Authority, Khagaria within a period of two weeks from today. The Collector, Khagaria is free to get the amount realized from the erring official who defaulted in filing the counter affidavit.

6. In view of the fact that the matter is of the year 2016 and for eight years later, no counter affidavit has been filed, this Court is left with no option but to direct the petitioner to move before the Collector, Khagaria within a period of four weeks from today alongwith a proper representation/the connecting documents.

7. If the said representation/application is/are preferred alongwith the relevant documents within a period of



four weeks, the Collector, Khagaria is duty bound to take it up, hear the parties and finally take the matter to its logical conclusion within a period of six months thereafter.

8. The Collector, Khagaria shall take into account the noting made by its office on 16.10.2021 (Annexure-5) to the present writ petition while passing the order.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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