

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5171 of 2023

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Fateh Narayan Singh Son of Late Jai Krishna Sinha Resident of Village and
P.O.-Gidha, P.S.-Koilar, District-Bhojpur, Pin Code-802314 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Bhojpur, Ara, District-Bhojpur (Bihar).
3. The District Land Acquisition Officer, Bhojpur at ara, District-Bhojpur (Bihar).
4. The Deputy Collector Land Reforms, Sadar, Ara, District-Bhojpur (Bihar).
5. Parmatma Singh Son of Late Jai Krishna Singh Resident of Village-Gidha, P.S.-Koilar, District-Bhojpur, PIn Code-802314 (Bihar).
6. Durga Narayan Singh Son of Late Jai Krishna Singh Resident of Village-Gidha, P.S.-Koilar, District-Bhojpur, PIn Code-802314 (Bihar).
7. Santosh Kumar Son of Munna Prasad Resident of Village and P.O.-Parev, P.S.-Bihta, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Abhay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp -18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-03-2024 Heard Mr. Rajendra Narayan, learned Senior

Counsel appearing on behalf of the petitioner and the State.

2. The petitioner has prayed for the following
reliefs:

*(i) for quashing the Notices as contained in
Annexure-3 Series of the Writ application
issued by the Respondent No.3 the District*



*Land Acquisition Officer, Bhojpur, Ara to the
Petitioner vide its memo No.806 dated
26.12.2022 and Memo No.84 dated
23.01.2023 and also vide Memo No.136
dated 08.02.2023 directing the petitioner to
deposit Rs.2,88,880/- through Cheque/Bank
Draft in the name of the District Land
Acquisition Officer, Bhojpur, Ara;*

*(ii) for issuance of direction to the
respondent No.3 to exempt the Petitioner
from depositing Rs.2,88,889/- which has
already been received by the respondent
No.5 through Bank Account of the petitioner;*

*(iii) for direction to the respondent No.5 to
refund Rs.2,88,889/- through Bank Draft/
Cheque in favour of CALA-CUM-District
Land Acquisition Officer, Bhojpur,
Respondent No.3. Ara;*

*(iv) for any other relief / reliefs to which the
petitioner is entitled to in the facts and
circumstances of the case.*

3. Learned Senior Counsel submits that his



brother Parmatma Singh sold the land for which he is being made scape goat as would reflect from the notice no. 84 dated 23.1.2023 issued by District Land Acquisition Officer, Bhojpur.

4. Though, the counter affidavit filed on behalf of the respondent nos. 2 to 4 have been served upon the learned Senior Counsel, the same has not filed inasmuch as the same is not available in the record.

5. Para-7 of the said reply shows that the acquisition stands completed and as such it is for them to settle the dispute amicably.

6. Learned Senior Counsel submits that now the notice has been issued and he has to reply to the said but no decision is being taken by the respondents and as such a damocles sword is being hanged upon him.

7. Instead of keeping the writ petition pending and imposing cost upon the State respondent for non filing of the counter affidavit, as the same is not on record, it would be appropriate that now the District Land Acquisition Officer, Bhojpur, respondent no.3 has issued notice vide memo no. 84 dated 23.1.2023 and as per the learned Senior Counsel, the same has been replied, he take the matter to its logical



conclusion, if still not concluded within a period of four months from the receipt of the copy of this order.

8. The C.W.J.C. No. 5171 of 2023 stands disposed of.

(Rajiv Roy, J)

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