

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9112 of 2016

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1. Anil Kumar Verma son of Late Parmeshwar Prasad
 2. Mazhar Alam son of Mozibul Sah
 3. Bibi Sabila @ Sabila Khatoon wife of Mozibul Sah All residents of village Post - Khanguradih, Police Station - Katra, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Muzaffarpur.
3. The District Land Acquisition Officer, Muzaffarpur.
4. The Special Land Acquisition Officer, Gandak Project, District - Muzaffarpur.
5. The Circle Officer, Katra, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG13
		Mrs. Sunita Kumari, AC to AAG13
For the Respondent/s	:	Mr. Aag2- Devendra Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-02-2024 Heard the parties.

2. The present petition has been preferred for the following reliefs:

(i) for issuance of an order/orders, direction/directions or writ/writs particularly in the nature of Certiorari quashing the impugned issued acquisition notification issued vide memo no.1754, 1833 and 1820 dated 08.01.2014 and issued by Special Land Acquisition Officer, Gandak Project, District- Muzaffarpur, whereby and whereunder the



State Government has acquired the lands of the petitioners measuring an area contained in the impugned memos for constructing an embankment over the Bagmati river in the emergent situation, as the entire proceeding in respect of the petitioner's land stood lapsed in view of coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(ii) for issuance of an order/orders, direction/directions or writ/writs particularly in the nature of writ of Mandamus commanding upon the respondents authorities to pay the compensation amount to the petitioners according to the statutory provisions in view of coming into Force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the acquisition of the land of the petitioners.

3. The respondent no. 4, the Special Land Acquisition Officer, Muzaffarpur filed his counter affidavit in the year 2016 incorporating paragraphs 4 and 5 which read as follows:

“4. That the deponent humbly submits that in this connection, notices were issued to the petitioners for submission of revenue documents of concerned lands, such as L.P.C., Current rent receipt, Khatiyani, Kewala etc. to receive payment of compensation.

5. That all three persons named above,



have received notice, to submit revenue documents but till yet none of them appeared in the office with revenue documents to receive payment of acquired land. The deponent humbly submits that whenever the petitioner file their required documents, compensation amount of land will be paid to them.”

4. On the specific counter affidavit of the District Land Acquisition Officer, Muzaffarpur that they have not turned up, eight years later a reply has been filed annexing Annexure-4 which shows that representation has been filed.

5. Learned State Counsel dispute the same stating that it do not have any seal of the said office.

6. Instead of keeping the writ petition pending, it would be appropriate to direct the petitioners to approach the District Land Acquisition Officer, Muzaffarpur with appropriate representation annexing all the connecting documents within four weeks from today.

7. The representation shall be shall be preferred by all the affected persons individually with their respective documents.

8. In case, such representation is preferred, within four weeks from day, the same shall be disposed of within a period of four months from the receipt of the representation.



9. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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