

(2020) 01 PAT CK 0051

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1120 Of 2020

Ram Naresh Thakur

APPELLANT

Vs

State Of Bihar Through The Secretary And Ors

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Constitution Of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 6

Citation : (2020) 01 PAT CK 0051

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Dronacharya, Rishi Raj Sinha, Akhilesh Kumar Sinha

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to SC 19 for the State.

2. The petitioner has moved the Court for the following reliefs:

"1. That this is an application for issuance of an appropriate writ/writs, Order/orders & direction/directions and thereby to issue a writ in the nature of 'Certiorari' and thereby to quash the process of Acquisition of petitioner's land vide Notification No. 15/DLA- Samastipur (Uttarasadhi)-49/2012-1055/jk dated 9/4/2013, by which 24/33 decimals of land of petitioner appertaining to Thana No. 37/2, L.a. No.-1, Plot No. = 150 is being acquired for public purpose to allot the same among 11 displaced families for their rehabilitation and also to issue a writ in the nature of 'Mandamus, directing the respondent authorities to enquire about the acquisition of this very land for the public purposes.

2. (i) The acquisition of land of petitioner for rehabilitation of 11 displaced persons due to erosion of Bagmati river in district of Samastipur village-Utrashadhi, P.s. Warisnagar vide land Acquisition Record No. 01/2012-13 be quashed.

(ii) The respondent authorities be also directed to enquire about the bona fide requirement of the beneficiaries for their rehabilitation.

(iii) The petitioner be also awarded adequate and proper compensation for unnecessary harassment of the petitioner for acquisition of his land for ulterior purposes.

(iv) The petitioner be paid the cost of legal proceeding throughout.

(v) The petitioner be granted any other relief/s permissible under the facts and circumstances of the case."

3. Learned counsel for the petitioner submitted that the notification for acquisition of his land is on the ground that 11 displaced families are to be rehabilitated. It was submitted that the present Mukhiya has certified that the said families were not displaced and, thus, the acquisition to rehabilitate them is bad in law.

4. Learned counsel for the State submitted that the challenge to the notification for such acquisition being made on 09.04.2013, has been challenged after almost seven years by the petitioner and on this ground alone, the writ petition may not be entertained. It was submitted that the petitioner in the aforesaid proceeding was required to file his statutory objection before the authorities which was to be considered. It was further submitted that though the petitioner was issued notice on 10.04.2013 under Section 6 of the Land Acquisition Act, 1894, no steps had been taken by him to contest such acquisition.

5. Learned counsel for the petitioner submitted that he had filed representation in the year 2013 and 2014.

6. Learned counsel for the State submitted that there is no question of any representation being filed in the matter as there are statutory provisions under which such objection has to be filed which has admittedly not been done.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contentions of learned counsel for the State.

8. In view thereof, the Court is not inclined to interfere in the matter on the ground of gross delay and laches and accordingly, the writ petition stands disposed off.

9. However, the petitioner shall be at liberty to move before the appropriate forum, in accordance with law, for the grievance raised in the present writ application, but not before this Court, under Article 226 of the Constitution of India.