

Kameshwar Prasad Sharma and Others Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: April 22, 2008

Citation: (2009) 1 PLJR 48

Hon'ble Judges: Ramesh Kr. Datta, J

Bench: Single Bench

Advocate: Binod Kumar, Gopal Govind Mishra, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Ramesh Kr. Datta, J.

All the three writ petitions pertain to land acquisition proceedings under the same notification dated 31.8.1992 which

is prayed to be quashed and accordingly they have been heard together and are being disposed of by this common order. Heard learned counsel

for the parties.

2. The stand of the petitioners in each of the three cases is that the notification for acquisition of land was issued by the Collector, Jehanabad u/s 4

of the Act on 31.8.1992 but thereafter the further steps have not been taken within the statutory period laid down under Sections 6(1)(ii) and

Section 11-A of the Act. It is submitted that against the same notification, for the same relief and on the same grounds earlier CWJC No. 7181/

2000 (Ramchandra Prasad Sharma and Others vs. The State of Bihar and Others) was filed by other affected landowners and the same was

allowed by order dated 27.6.2003 by this Court which is reported in 2003(3) PLJR 775.

3. Learned counsel for the petitioners submits that the present cases stand on identical footing and thus these writ petitions also ought to be allowed

for the reasons stated in the said judgment.

4. Despite several opportunities granted to learned J.C. to AAG-3 no counter affidavit as yet has been filed although more than four and half years

have lapsed since filing of the writ petitions. It is stated by learned State counsel that she has received instructions that no counter affidavit is

required in the present matter since the same is covered by the earlier decision of this Court. In view of the aforesaid facts and circumstances, all

the three writ petitions are allowed and the notification dated 31.8.1992 (Annexure-1 in all the three writ petitions) is quashed.