

the said land showing possession of the settlees over the same recognizing them as raiyats. The revenue authorities after making due enquiry with regard to the factum of possession and semblance of title of the said settlee, acknowledged their status as raiyats and accepted the rent with respect to the said land. It is further submitted that earlier also, a part of the land measuring an area of 15 decimals of Plot No. 875 under Khata No. 32 situated at Village-Bati was acquired by the State Government and the settlee namely, Md. Isha Khan and Md. Yunus Khan (ancestors of the petitioner) were found in possession of the said land and were thus held entitled for receipt of compensation which is apparent from the payment notice issued in L.A. Case No. 5/1980-81. Despite the said fact, the land of Plot No. 875 under Khata No. 32 situated at Village-Bati has not been included in the notification issued under Section 11(1) of the Act, 2013 for the purpose of construction of Pachamba-Jamua-Chatro-Sarwan road. The petitioner has filed representation before the respondent no. 3 –the Deputy Commissioner, Giridih on the present issue, however, the same has not yet been responded.

3. AC to SC-III appearing on behalf of the respondents submits that the matter is required to be factually verified by the competent authority and hence, if the petitioner prefers a fresh representation before the respondent no. 6 – the Collector under the Act, 2013 (the District Land Acquisition Officer, Giridih) on the present issue, the same will be considered and an appropriate decision will be taken in this regard in accordance with law.

4. Having heard the learned counsel for the parties and keeping in view the nature of prayer made in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to file a fresh representation before the respondent no. 6 – the Collector under the Act, 2013 (the District Land Acquisition Officer, Giridih). On receipt of the said representation, the respondent no. 6 after providing due opportunity of hearing to the petitioner/his representative, shall take an appropriate informed decision within a period of three months from the date of filing of the representation.

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)