

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17726 of 2015

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Sheikh Manni Son of Late Sheikh Riyasat Resident of Village - Pirpainti Bazar, P.S. - Pirpainti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Bhagalpur.
3. The District Land Acquisition Officer, Bhagalpur.
4. Anchal Adhikari, Pirpainty Anchal, District - Bhagalpur.
5. Bibi Tasma daughter of Late Sheikh Riyasat, Wife of Sheikh Akhari Resident of Village - Babydas Maska, P.O. - Pratapur, P.S. - Meharna, District - Godda.
6. Bibi Hakma daughter of Late Sheikh Riyasat, Wife of Sheikh Ibrar Resident of Village - Sundarpur, P.S. - Pirpainti, District - Bhagalpur.
7. Bibi Matri daughter of Late Sheikh Riyasat, Wife of Harun Master Resident of Village - Mahilachak, Margar, P.O. - Dighichak, Kasma, P.S. - Meharna, District - Godda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Respondent No.1 to 4 : Mr. Kundan Kumar, AC to SC-32

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-12-2015 Heard learned counsel for the petitioner as also learned AC to SC 32 appearing on behalf of the respondent nos.1 to 4.

The grievance of the petitioner is that in a land acquisition proceeding awards have been prepared in the name of the respondent nos.5 to 7 with respect to the lands in question and the claim of the petitioner has been ignored.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the full brother of the respondent nos.5 to 7. Therefore, he is also entitled to have share in the award(s) amount, but, despite representation filed by him, he has not been paid his due share.

Learned State counsel points out that the petitioner has statutory remedy before the Collector under The Land Acquisition

Act, 1894 (in short 'Act, 1894'). If he files an appropriate petition, the matter shall be considered by the Collector under the Act, 1894 for referring the same to the Civil Court for adjudication of the claims of the parties in terms of Section 30 of the Act, 1894.

After having heard the parties, this Court is of the opinion that, at the first instance, the petitioner should approach the Collector under the Act, 1894 for reference of the matter to the competent Civil Court, as indicated above.

If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the Collector under the Act, 1894 shall be obliged to consider his case for making a reference under Section 30 of the Act, 1894 at an early date preferably within a period of three months from the date of filing of such petition, whereafter, the matter shall be decided strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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