

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18657 of 2015

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1. Dhaniya Devi, Daughter of late Bhaddi Mahaldar, widow of late Etbari Mahaldar, Resident of Village- Dulduliya, P.s Pirpainti, District Bhagalpur.

2. Budhiya Devi, Daughter of late Bhaddi mahaldar, Wife of Naresh Mahaldar, Resident of Village-Goghatta, Po. Dudhuchak, P.S. Kahalgaon, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. The Collector cum District Magistrate, Bhagalpur.

3. The District Land Acquisition Officer, Bhagalpur.

4. Sikandar Mahadar, son of late Bhaddi Mahaldar, Resident of Village- Pirpainti Bazar, P.S. Pirpainti, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Adv.
Mr. Chandra Shekhar, Sharma, Adv.

For the Respondent nos. 1 to 3 : Mr. Uday Bhan Singh, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-12-2015 Heard learned counsel for the petitioners as also learned AC to GP-2 appearing on behalf of the respondent nos. 1 to 3.

The grievance of the petitioners is that in a land acquisition proceeding awards have been prepared in the name of the respondent no. 4 with respect to the lands in question and the claim of the petitioners has been ignored.

Learned counsel appearing on behalf of the petitioners submits that the petitioners happen to be the full sisters of the respondent no. 4. Therefore, they are also entitled to have share in the award(s) amount, but, despite representation filed by them, they have not been paid their due share.

Learned State counsel points out that the petitioners

have statutory remedy before the Collector under The Land Acquisition Act, 1894 (in short 'Act, 1894'). If they file 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 petitioners 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 petitioners 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 their 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)

Arvind/-

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