

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2816 of 2015

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Ramjee Singh S/o Late Pratap Narayan Singh R/o vill. - Dhanshir, P.O.
Civil Aerodrome, P.S. A.N.M.C.H. College Gaya, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Gaya
3. Additional Collector, Gaya
4. The Authorized officer -cum- District Land Acquisition officer, Gaya
5. The Circle officer, Nagar Anchal, Gaya

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Raj Kumar Singh, Advocate

For the Respondent/s : Mr. Ram Balak Mahto, A.G.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-07-2015 Heard Mr. Raj Kumar Singh, learned counsel appearing

on behalf of the petitioner and Mr. Krishna Chandra, Assisting

Counsel to Advocate General for the State.

It is the case of the petitioner that in the process of construction of National Highway under gazette notification dated 25.10.2010 and 27.11.2013 placed at Annexure-2, a number of plots were acquired by the Government of India including the plot of the petitioner. The dispute raised by the petitioner concerns Plot No. 121, which was acquired in two parts i.e. 0.142 hectares vide notification dated 25.10.2010 and an area of 0.445 hectares vide notification dated 27.11.2013 forming part of Annexure-2 series. The total area coming to 0.587 hectares which according to



the petitioner would admeasure 1.45 acres. The petitioner claims title over this plot. It is not in dispute that the entire plot no. 121 has been acquired which admeasures 1.45 acres. The dispute is with regard to the title of the petitioner over 1 acre of the plot inasmuch as according to the revisional survey entry, the petitioner has been shown to be a holder of 0.45 acres of the said plot only. It is in view of such entry that the compensation amount has been paid to the petitioner for the said area only as is evident from Annexure-3 series.

The petitioner has approached this Court complaining of default in payment of compensation in respect of one acre of land but even while canvassing the case of the petitioner Mr. Raj Kumar Prasad fairly admits that there is a dispute as regarding the actual area over which the petitioner holds title in plot no. 121 since as per the revisional survey, the petitioner was shown to hold 0.45 acres of land.

In the circumstances existing, in my opinion no infirmity can be found in the action of the respondents complained of but even while holding as such, this Court would grant liberty to the petitioner to approach the appropriate forum for correction of survey entry in relation to Plot No. 121 in Mauja Dhansir in the district of Gaya and no sooner the survey entry is corrected and

the petitioner is able to obtain documents supporting his title over the entire area of 1.45 acres in plot no. 121 that he may approach the District Land Acquisition Officer for making payment of the balance amount of compensation. It goes without saying that any such application filed by the petitioner consequent upon the correction should be considered and disposed of in accordance with law within three months of its presentation.

The application is disposed of accordingly.

(Jyoti Saran, J)

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