

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.945 of 2015

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1. Shahnaz Athar Wife of Late Athar Hasan resident of village AND Post Khairi Banka, P.S. Bisfi, Distt. - Madhubani (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Acquisition Department, Bihar, Patna
2. The Collector of District (DM), Darbhanga
3. The Special Land Acquisition officer, Kosi Project Darbhanga
4. The Land Acquisition officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha

For the Respondent/s : Mr. RAM BALAK MAHTO

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 18-02-2015

Heard Counsel for the petitioner and A.C. to A.G. for the State.

The Award in the present case was/were prepared in the name of the vendor of the petitioner. However, from the pleadings on record, it appears that on an objection filed in this regard, the respondents have treated the petitioners as the land holders of the subject land which stood acquired. From Annexure-2, it appears that the petitioner received compensation amount under objection and thereafter filed diverse applications before the respondent District Land Acquisition Officer, Darbhanga as well as the District Land Acquisition Officer, Madhubani for enhancement thereof. In substance, the claim of the petitioner is that the lands so acquired are

the residential plots and, as such, the petitioner is entitled to payment of enhanced compensation therefor in the light of rates which has already been fixed by the District Sub-Registrar, Madhubani and the other benefits which have been denied to her.

It appears from perusal of the Annexure-2 that the compensation amount was disbursed in favour of the petitioner and received by her under objection. Immediately thereafter, the objection has been filed for enhancement thereof. Even if those applications are treated to be applications filed under Section 18 and/or under Section 23, the same would not be barred under the provisions of Land Acquisition Act (for short "the Act"). The grievance of the petitioner is that those objections having been filed before the District Land Acquisition Officer have to be considered and disposed of in accordance with law.

Counsel for the petitioner has drawn attention of the Court to the diverse notice(s) of the Award issued under Section 12(2) of the Act in order to submit that the Special Land Acquisition Officer, Koshi Yojna, Darbhanga having issued those notice(s) would take a call on the application(s) of the petitioner.

Counsel for the State, on going through the pleadings on record, has not disputed the contention of the petitioner that the objections filed by the petitioner shall be examined by the Special

Land Acquisition Officer, Darbhanga (respondent no. 3) since notices issued under Section 12(2) of the Act directs the awardee(s) to appear before the said Authority.

Having considered the submissions of the parties, in my view, the present application merits to be disposed of by the following order:-

Let the petitioner file fresh copies of the representation(s) (Annexure-4 as also 5) along with a copy of the present order before the respondent no. 3 within three weeks whereafter the said respondent shall examine all the grievances of the petitioner and take appropriate decision in accordance with law as quickly as possible preferably within two months of such filing.

Pankaj/-

(Kishore Kumar Mandal, J)

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