

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6844 of 2013

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1. Umesh Kumar Singh S/O Late Kashinath Singh R/O Village- Ghataon,
P.S.- Kudra, District- Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Department Of Land Reforms, Bihar, Patna
3. The District Magistrate, Kaimur At Bhabhua
4. The District Land Acquisition Officer, Kaimur At Bhabhua
5. Brajendra Kumar Singh S/O Late Dr. Awadhesh Singh R/O Village-
Mohania, Station Road, P.O.- Mohania, P.S.- Mohania, District- Kaimur At
Bhabhua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar
For the State : Mr. Sanjeev Kumar Singh AC to SC-12
For the Respondent no.5 : Mr. Sourendra Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 04-12-2015 Heard the counsel for the petitioner, State and the
respondent No.5.

The petitioner claims that his land was acquired by the State for Railway corridor. He is entitled to payment of compensation amount. The respondent- Land Acquisition Officer after hearing the parties has only paid a sum of Rs. 2, 26, 376/- and by an order contained in Annexure-1 on the objection of the private respondent, the remaining amount of compensation has not been disbursed. Indisputably, there is Title Suit going on between the petitioner and the private respondent relating to the subject

land. Another matter under the Bihar Land Ceiling Act is also pending.

Having regard to the pendency of these litigations, the Land Acquisition Officer has not disbursed the remaining compensation amount in favour of the petitioner. If the matter relating to the title of the land is pending in the Court of competent Civil jurisdiction the refusal of the payment of compensation by the District Land Acquisition Officer, in my view, cannot be faulted.

It has been submitted that by notice the District Land Acquisition Officer directed for refund of the amount which was disbursed in favour of the petitioner which was stayed by this Court vide order dated 19.08.2013 passed in I.A. No. 5695 of 2013. The petitioner has undertaken before this Court that depending on the decision on the pending litigation and the order to be passed by the District Land Acquisition Officer he will refund the amount which has been disbursed in his favour by the respondent(s).

Considering the above, this Court, while declining the relief as prayed for in this application, directs that until disposal of the pending litigation and a decision to be taken in this regard by the District Land Acquisition Officer no step for

recovery/ refund of the said amount of Rs. 2,26, 376/- shall be taken by the respondent which shall abide by the final decision of the Court in the pending litigation.

(Kishore Kumar Mandal, J)

Shyam/-

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