

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2803 of 2011

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1. Bali Raj Ray S/O Late Raghubir Ray
2. Brameshwar Nath Ray
3. Haridwar Ray
4. Badri Kumar Ray
5. Yogendra Ray
Petitioner 2 to 5 All son of Baliraj Ray ,
all are Resident Of Village - Chandpur, P.O. + P.S. - Pirpainti, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Secretary, Water Resources Department,
Govt. Of Bihar, Patna
2. The Chief Engineer, Irrigation Department, Govt. Of Bihar, Bhagalpur
3. The Collector-Cum-Special Land Acquisition Officer, Madhyam Sinchai
Pariyojana, Bhagalpur
4. The Circle Officer, Pirpainti Anchal- Bhagalpur
5. The Sub-Divisional Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manu Shanker Mishra
For the Respondent/s : AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 26-06-2015 Heard learned counsel for the petitioners and learned
AC to Advocate General.

Five petitioners, invoking writ jurisdiction of this court
under Article 226 of the Constitution of India, have prayed for
quashing the proceeding for assessing the compensation amount
in Land Acquisition Proceeding Case No. 9 of 1987-88.

Learned counsel for the petitioners submits that the
award was not prepared within a period of two years, and as such,
the entire acquisition proceeding vitiates. He further submits that

even before initiation of acquisition proceeding no notice was issued particularly in respect of plot no. 190 and 191, khata no. 524. On aforesaid grounds a prayer has been made for setting aside the entire land acquisition proceeding.

In this case a counter affidavit has been filed on behalf of the respondent no. 1 to 3. Learned AC to Advocate General submits that land acquisition proceeding was initiated vide Case No. 9 of 1987-88 for the purposes of construction of Canal. Notices were properly issued under Section 4(1) which was served on land owners on 9.5.1988. The plot no. 190 and 191 of khata no. 524 which is the subject matter of the present writ petition was also notified and personal notice was issued to the petitioners. Thereafter, declaration under Section 6 was issued vide Gazette notification dated 1.7.1988, award was also prepared and declared on 10.8.1990 itself. Finally, the land was acquired and transferred to the Executive Engineer for construction of Branch Canal. Of course, the petitioners had received the award amount in respect of other plots, but they have not received compensation in respect of plot no. 190.

The court is of the opinion that once the award was already prepared long back, the writ jurisdiction may not be invoked. Had they disputed the award amount, they were having

proper remedy under the Land Acquisition Act itself. At this stage,
this court directly may not interfere in the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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