

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16989 of 2014

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Satyendra Singh, son of Sri Ramnepal Singh, resident of Village- Bharpura,
Police Station – Sonpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The District Land Acquisition Officer, Saran.
4. Parmila Devi, W/o Late Ganesh Singh, resident of Village- Bharpura, P.S.- Sonpur, District- Saran.
5. Narendra Singh, S/o Late Ganesh Singh, resident of Village- Bharpura, P.S.- Sonpur, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
Mr. Krishna Kumar Singh
For the Respondent/s : Mr. Dhurjati Kr Prasad, GP-7
For private Respondents : Mr. Ashutosh Jha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 14-07-2015 Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner, learned counsel for the State and Mr. Ashutosh Jha, learned counsel appearing for the private respondent nos.4 and 5.

The petitioner prays for a writ in the nature of certiorari for quashing the order dated 27.8.2014 of respondent no.3, the District Land Acquisition Officer, Saran who has recommended for deletion of the name of the wife of the petitioner from survey plot nos.121 and 122 and for inclusion of the names of respondent nos.4 and 5 in respect of payment of compensation for the acquisition of said plot nos.121 and 122 of

khata nos.82 and 52 respectively.

Apart from the fact that there is no such order as described by the petitioner and Annexure-4 which is under challenge is in fact a file noting not giving any cause of action to the petitioner, even otherwise the prayer is not entertainable for petitioner seeks to question the land acquisition proceedings on the anvil that a title suit in respect of the said property is already pending in the court of Sub-Judge-I, Chapra arising from Title Suit No.228 of 2013 and in view of the statutory provisions underlying section 30 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') the District Land Acquisition Officer ought to have referred the matter for adjudication by a competent Civil Court as defined under section 3(d) of 'the Act'.

It is not in dispute that the property was in the name of the mother of the petitioner who had executed a will in favour of the private respondents. In the probate proceedings the petitioner appeared and filed objection which was rejected and even the miscellaneous appeal preferred by the petitioner before this Court bearing M.A. No.986 of 2011 has been dismissed. It is thereafter that the petitioner has filed the suit praying inter alia for a declaration that the property is owned by his father who

has been arraigned as defendant no.3. Surprisingly the father is not the plaintiff in a suit filed for a declaration in his favour.

Be that as it may, since the issue so raised by the petitioner is yet pending before the court below in the suit, this Court would not express any opinion as to its merits but in the circumstances existing and in view of the admitted position as discussed hereinabove, this Court is not persuaded to grant indulgence to the prayer made by the petitioner at this stage.

This writ petition is accordingly disposed of.

(Jyoti Saran, J)

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