

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11395 of 2012

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Smt. Meena Devi W/O Sri Vijay Singh, Resident of Village- Bhelu Bigha,
P.O.- Orro, P.S.- Hasua, District- Nawada

.... Petitioner/s

Versus

1. The District Magistrate Cum Collector, Nawada
2. The State of Bihar, through the Secretary, Revenue and Land Reform
Department, Govt. of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The Land Acquisition Officer, Nawada
5. Naresh Singh S/O Late Chamari Singh, Village- Bhelu Bigha, P.O.-
Orro, P.S.- Hasua, District- Nawada
6. Kanchan Kumar S/O Late Maheshwar Singh, Resident of Village- Bhelu
Bigha, P.O.- Orro, P.S.- Hasua, District- Nawada
7. Anil Kumar S/O Late Maheshwar Singh, Resident of Village- Bhelu
Bigha, P.O.- Orro, P.S.- Hasua, District- Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bankey Bihari Singh
Mr. Sanjay Kumar
Mr. Shailendra Prasad

For the Respondent No.1 to 4 : Mr. Shailesh Kumar, AC to GP-20

For the Respondent No. 5 to 7 : Mr. Devendra Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 29-09-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking direction to the official respondents to pay her compensation for her lands, which were acquired in the year 2002 for construction of New Railway Line from Tilaya to Rajgir.

From examination of the averments made in the writ petition as also the notices, as contained in Annexure-1 series issued by the respondent District Land Acquisition Officer, Nawada, it appears that a land acquisition proceeding was started for acquisition of different plots of lands mentioned in the aforesaid notices (Annexure-1 series) issued in the year 2002.

However, in the whole writ petition the petitioner has not given details as to which plots of land belong to her.

A counter affidavit has been filed on behalf of the respondents no. 2 and 4 controverting the claims of the petitioner. It has been stated in the aforesaid counter- affidavit that dispute of title is pending between the petitioner at one side and the respondents no. 5 to 7 at the other side. In paragraph-15 of the aforesaid counter-affidavit it has further been stated that in view of dispute of title amongst the parties, the matter has been referred to the competent civil court under Section 30 of The Land Acquisition Act, 1894. Reference order dated 12th November, 2012 issued by the District Collector, Nawada has been brought on record as Annexure-A to the aforesaid counter-affidavit. Learned State counsel as also learned counsel appearing on behalf of the private respondents no. 5 to 7 further submit that the matter is still pending before the civil court.

Admittedly, a copy of the aforesaid counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner way back in the year 2013, but till date no reply affidavit has been filed on behalf of the petitioner disputing the averments made in the aforesaid counter-affidavit. Learned counsel appearing on behalf of the petitioner, at this stage, submits that the petitioner has already entered appearance in the aforesaid matter pending in the civil court and has also filed her written statement.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner as also the respondent no.5 to 7 to raise their all claims with respect to the lands in question. The payment of compensation shall be made to the

entitled person(s) only after adjudication by the civil court and till the matter is finally decided by the civil court, no amount of compensation shall be paid either to the petitioner or the private respondents no. 5 to 7.

It is expected that the matter pending before the civil court shall be expedited.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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