

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.756 of 2015

=====

1. Binod Sharma @ Binod Mistri son of Sri Shravan Sharma resident of village-
Khaira, Mahsauni, P.O.- Kajra, P.S.- Piro Bazar, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Land Revenue Department, Govt. of Bihar, Old Secretariat, Patna.
3. Director, Land Acquisition, Govt. of Bihar, Old Secretariat, Patna.
4. District, Land Acquisition Officer, Lakhisarai.
5. Deputy Collector, Land Reforms, Lakhisarai.
6. Director, Directorate, of Land Records, Govt. of Bihar, Old Secretariat, Patna.
7. Circle Officer, Surajgarha Block, Lakhisarai.
8. Raghunandan Modi Son of late Shanti Modi resident of village- Khaira, Mahsauni, P.O.-Kajra, P.S.Kajra, P.S.Piro Bazar, District- Lakhisarai.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Dr. Pankaj, Advocate.

For the Respondents : Mr. Ram Balak Mahto AG.

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 12-02-2015

Heard the parties.

The petitioner claims title over 2.14 acres of land appertaining to khata no. 1154, khesra nos. 3609, 3623 and 3636 of Mouza - Bishunpur in the District of Lakhisarai. The petitioner approached the District Land Acquisition Officer after preparation of award and disbursement of 80% of the compensation amount in favour of the persons in whose name the lands were found recorded and mutated. The application of the petitioner before the District Land

Acquisition Officer was contested by the respondents. By the impugned order dated 05.08.2014 the District Land Acquisition Officer after considering the claim of the parties found no merit in the claim of the petitioner.

Counsel for the petitioner submits that the findings recorded therein are untenable in law. The District Land Acquisition Officer having found a serious dispute of title ought to have referred the matter to the Court which was not done. Learned counsel for the State, on the other hand, submitted that in the impugned order adequate reasons have been assigned. However, if the petitioner wants to dispute the title of the private respondents then he can approach the Authority under Section 30 of the Land Acquisition Act (for short 'the Act') for reference of the matter to the Court for adjudication of rival claims.

In my view, the petitioner should approach the Authority and invoke his jurisdiction under Section 30 of the Act for getting the matter referred to the Court of competent civil jurisdiction for resolution of the dispute between him and the private respondents. If any such application is filed, this Court expects the same shall receive due consideration and disposal by the concerned respondents in accordance with law. Needless to observe that if any such application is filed within a reasonable period of time and a request is

made for putting the payment of the remaining amount in abeyance
the same shall also be considered in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--