

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19364 of 2012

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Kanti Sinha @ Kanti Singh W/O Shri Surendra Prasad Sinha, R/O Village-
Jahangirpur, P.O.+P.S.- Sonapur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Revenue and Land Reforms, Bihar, Patna
2. The District Collector (Officer), Saran at Chapra
3. The Competent Authority-Cum-the District Land Officer, Saran, Chapra
4. The Circle Officer, Sonapur Anchal, Saran, Chapra
5. Shri Shiv Lagan Rai S/O Late Din Dayal Rai, R/O Village- Bharpura, P.S.- Sonapur, District- Saran
6. The Government of India through its Secretary, Ministry of Road and Transport and National Highways, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha
For the Respondent No.1 to 4 : Mr. Asit Kumar Jha, AC to G.P.-6
For the Respondent No. 5 : Mr. Pushkar Narain Shahi, Sr. Adv.
Mr. Patanjali Rishi

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 08-10-2015 Heard the parties.

The petitioner is aggrieved by the award No. 18 prepared by the competent authority-cum- District Land Acquisition Officer, Saran in favour of the respondent no. 5 with respect to the lands in question under the provisions of the Land Acquisition Act, 1894 (in short Act, 1894) and the notice issued under section 12(2) of the Act, 1894 in favour of the respondent no. 5 vide Annexure-4/1.

Admittedly, against the impugned award, the petitioner has statutory remedy under Sections 18 and 30 of the Act, 1894. Indisputably, another award prepared in favour of the respondent no.5 with respect to the structure standing over the land in question was assailed by the petitioner in C.W.J.C. No. 101 of 2012, which was finally disposed of by an order dated 13.09.2012

by a Bench of this Court. Copy of the aforesaid order has been brought on record as Annexure-A/5 to the counter-affidavit filed on behalf of the respondent no.5.

Learned counsel appearing on behalf of the petitioner does not dispute that in that case also, the respondent no.5 has been held to be entitled to receive the award amount, but with certain conditions, but the award itself made in favour of the respondent no.5 has not been interfered with.

In that view of the matter, the present writ petition is dismissed with a liberty to the petitioner to approach the statutory authority for grant of appropriate relief(s) in terms of Sections 18 or/and 30 of the Act, 1894 or alternatively, he may approach the competent authority-cum- District Land Acquisition Officer, Saran to put same conditions before releasing the award amount in favour of respondent no.5, which has been indicated in the order dated 13.09.2012 passed in C.W.J.C. No. 101 of 2012 (Annexure-A/5).

(Birendra Prasad Verma, J)

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