

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.547 of 2014

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Indradeo Prasad S/O Late Chhatradhari Prasad Resident Of Village-
Gaurhapar, P.S- Chandi, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Revenue And Land Reforms Department Govt. Of Bihar, Patna.
2. The Principal Secretary, Revenue And Land Reforms Department Govt. Of Bihar, Patna.
3. The Director, Land Acquisition, Govt. Of Bihar, Patna.
4. The Collector, Nalanda.
5. The District Land Acquisition Officer, Nalanda
6. Munna Gope S/O Devnarain Gope Resident Of Village- Gaurhapar, P.O- Barhaura, P.S- Chandi, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 09-02-2015 Heard counsel for the petitioner, the State and respondent no.6.

Upon preparation of an award after acquisition of the subject land in the name of private respondent the petitioner filed an objection before the District Land Acquisition Officers giving rise to Objection No. 01 of 2013-14. Both parties were heard and by order dated 12.08.2013 the objection of the petitioner was rejected. It was contended on behalf of the petitioner that by mistake in the sale deed made in favour of the vendor of the respondent certain lands were shown to have been vended although no possession was given thereof. The respondent District Land Acquisition Officer rejected the said contention. It has been contended that the reasoning assigned by the authority for

rejecting the objection of the petitioner is untenable in law. In all fairness, the authority ought to have referred the matter to the court for adjudication of the rival claim of the parties.

The counsel for the State as well as the respondents have supported the impugned order. It has been contended that the reasons assigned therein are not such which would persuade this Court to find any patent illegality therewith. If the petitioner is dissatisfied with the said order there is yet an opportunity to get the matter referred to the court under section 30 of the Land Acquisition Act.

I find substance in the submission of the counsel for the respondents. Without interfering with the order under challenge the writ petition is disposed of granting the petitioner liberty to assail the same either in a court of competent civil jurisdiction and/or by invoking jurisdiction conferred under the Act. If any such application invoking jurisdiction of the Authority under the Act is filed the same shall receive due consideration and disposal by the concerned respondent.

(Kishore Kumar Mandal, J)

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