

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22732 of 2011

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Rajdeo Singh S/O Late Ramji Singh, Resident of Village- Bharpura, P.O & P.S-
Sonepur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Principal Secretary, Land Acquisition Department, Govt. of Bihar, Patna.
3. The Collector, Saran, Chapra
4. District Land Acquisition Officer, Saran, Chapra.
5. Panna Lal Kuer Window of Late Binda Sah @ Birda Sah, Resident of Village-
Bharpura, P.O & P.S- Sonepur, District- Saran.
6. Parshuram Sah S/O Late Binda Sah @ Birda Nath Sah, Resident of Village-
Bharpura, P.O & P.S- Sonepur, District- Saran.
7. Shambhu Sah S/O Late Binda Sah @ Birda Nath Sah, Resident of Village-
Bharpura, P.O & P.S- Sonepur, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Adv.

For the Respondent Nos. 1 to 4: Mr. Dev Kumar Pandey, AC to G.P. 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 10-08-2016

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent State authorities not to pay the compensation amount to the respondent no.5 for the land in question bearing plot no. 2188 appertaining to khata no. 942 area 1 katha situate at Village Bharpura, P.S. Sonepur, District Saran, rather the amount of compensation may be directed to be paid to the petitioner and one Shri Rajeshwar Singh only, who has not been impleaded as a party in the present proceeding.

In the present case, a counter-affidavit has been filed on behalf of the respondent nos. 3 and 4 controverting the claims of the writ petitioner in the present writ petition. The learned AC to G.P. 2



appearing on behalf of the official respondents, by referring to the averments made in the aforesaid counter-affidavit, submits that the land in question was acquired way back in the year 2009 for construction of Digha- Sonapur Railway Bridge after preparation of award in favour of the private respondent no. 5-Panna Lal Kuer. According to him, if the petitioner was at all aggrieved of the award prepared in favour of the respondent no.5, then he had remedy under Section 18 of The Land Acquisition Act, 1894 (in short Act, 1894) seeking reference of the matter to the civil court, but admittedly, no petition was filed by the petitioner in terms of section 18 of the Act seeking reference the matter to the civil court. He further submitted that since the petitioner filed an objection, though belatedly, therefore, for sometime payment of award amount was stayed asking both the petitioner and the respondent no.5 to produce the documents in support of their respective claims. According to the learned State counsel, despite adjournment and opportunity given to the petitioner, he failed to produce any document in support of his claim over the land in question and the respondent no. 5 produced her documents in support of her claim. Therefore, finally the miscellaneous case started on the objection petition filed on behalf of the petitioner has been dropped and the award amount has been paid to the respondent no.5.

In the aforesaid factual matrices particularly in view of the fact that the period prescribed under Section 18 of the Act, 1894 for seeking reference to the civil court has already expired and in view of the principles enunciated by the Hon'ble Apex Court in the case of **Bhagwan Das vs. State of U.P.** [AIR 2010 SC 1532 = (2010)3 SCC 545] as also the principles laid down about the limitation in the case of **Officer on Special Duty (Land Acquisition) vs. Shah Manilal Chandulal** [(1996)9 SCC 414= 1996 AIR SCW 941], no relief can be

granted to the petitioner in the present writ petition.

For the reasons recorded above, the present writ petition is dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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