

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22308 of 2013

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Ram Krishna Prasad, Son Of Late Nandu Ravidas, Resident Of Village -
Sonaru, P.S. - Fatuha, District - Patna, At Present Mohalla - Gautam Nagar
New By Pass Road, Patna, P.O. - Anisabad, P.S. - Jakkanpur Patna, District
- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department
Government of Bihar, Patna
2. The Collector, District Patna
3. The Land Acquisition Officer District Patna
4. The S.D.M. Sub-Division Patna City, District Patna
5. The Circle Officer Anchal - Fatuha, District - Patna
6. The Anchal Amin, Anchal - Fatuha, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Respondent/s : Mr. Krishna Chandra, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 19-04-2016

Heard the parties.

The grievance of the petitioner in the present writ petition is that for the lands under dispute, fully detailed in paragraph 1 of the writ petition, L.A. Case No.84 of 2011-12 was initiated under the provisions of The National Highways Act, 1956 (in short 'Act, 1956') and determination of compensation amount was made by the competent authority in terms of Section 3-G of the Act, 1956, but the compensation amount has not been paid to the petitioner, rather it has been paid to one Triloki Chamar.

In the present proceeding, aforesaid Triloki Chamar has not been impleaded as party respondent. Therefore, the writ petition could have been dismissed on the ground of non-joinder of necessary parties.

However, in compliance of the order dated

22.12.2015 passed by this Court, a counter affidavit has been filed on behalf of the respondent nos.2 and 3 wherein it has been stated in paragraph 5 that with respect to the lands in question almost six persons including the petitioner are laying their claims for payment of compensation amount. It has further been stated in paragraph 8 that, in view of the dispute of apportionment of compensation amount, the matter has been referred to the court of learned Special Land Acquisition Judge, Patna in terms of Section 3-H(4) of the Act, 1956, which is still pending.

In view of the aforesaid averments made in the aforesaid counter affidavit, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer, as the claim of the petitioner vis-à-vis other claimants is under active consideration before the Civil Court in terms of Section 3-H(4) of the Act, 1956.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to appear in the aforesaid proceeding before the Civil Court and raise all his pleas/claims with respect to the lands claimed by him for the purposes of grant of adequate compensation to him.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and it is left to be decided by the learned Special Land Acquisition Judge, Patna strictly in accordance with law.

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

Arvind/-

(Birendra Prasad Verma, J)

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