

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14125 of 2012**

- =====
1. Ram Naresh Singh Son of Late Ram Nandan Singh, Resident of Village - Neema, P.S. Dhanarua, District - Patna
  2. Ravindra Sharma Son of Late Ram Dahin Sharma, Resident of Village - Neema, P.S. Dhanarua, District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Patna
3. District Land Acquisition Officer, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate.  
: Mr. Lakhikant Tiwary, Advocate.  
For the Respondent/s : Mr. Mritunjay Kumar, AC to AAG-10.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      27-01-2016                      Heard the parties.

The matter at issue is the claim of the petitioners for payment of compensation for acquisition of lands in question, fully detailed in paragraph-4 of the writ petition.

Since, there was a dispute of right, title and interest of the petitioners over the lands in question, they approached the Civil Court by filing Title Suit No. 362 of 2004, which has been finally decreed by the judgment and decree dated 21.12.2011, passed by the learned Subordinate Judge-III, Patna. The copy of the judgment has been brought on the record as Annexure-1 to the writ petition.

In view of the fact that there is a judgment and decree passed in favour of the petitioners with respect to the lands in question, which includes the direction to the State Government for payment of compensation of amount, the present writ petition is disposed of with a liberty to the petitioners to get the aforesaid judgment and decree executed, since, all the facts stated in the writ

petition have not been admitted in the counter-affidavit filed on behalf of the respondent no. 2 & 3. It is well settled that on the basis of a disputed question of fact, no writ can be issued by the High Court to the authorities concerned.

It goes without saying that if an appropriate execution proceeding is levied by the petitioners, then the same shall be considered and decided in accordance with law after giving an opportunity of hearing to the parties, but without being prejudiced by the present order passed in the present proceeding filed under Article 226 of the Constitution of India.

The writ petition stands finally disposed of with the observations and liberty granted above.

**(Birendra Prasad Verma, J)**

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