

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8643 of 2013

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Devendra Prasad Singh Son of Late Parmeshwar Singh, Resident of Village
and P.O. Kansari, P.S. Gaurichak, District: Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Kapileshwar Mishra, Upper District Acquisition Officer, Patna Sadar
3. Sri Arun Kumar Sinha, The Circle Officer, Punpun, District- Patna
4. Sri Bhupendra Yadav Halaka Karamchari, Punpun, Patna
5. Kangoi and Amin, Girija Prasad, Patna Sadar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 11-03-2016

Heard the parties.

The learned counsel appearing on behalf of the petitioner has fairly submitted that during the pendency of the present writ petition, an award has been prepared under the provisions of The Land Acquisition Act, 1894 (In short 'Act, 1894') and the payment of award amount has been made to his co-sharers ignoring the claim of the writ petitioner with respect to the lands in question.

The learned AC to AG appearing on behalf of the respondents submits that in view of preparation of the award and payment of award amount, the petitioner has an alternative remedy before the Collector under the Act under Section 30 of the Act, 1894 seeking reference of the matter after impleading all the necessary parties including the co-sharers of the petitioner, who have been paid the award amount.

In the aforesaid facts and circumstances, the petitioner is directed to file an appropriate petition before the Collector under

the Act seeking reference of the matter before the competent civil court in terms of Section 30 of the Act, 1894 for the apportionment of the award amount.

If an appropriate petition is filed on behalf of the petitioner within a period of one month from today, then the Collector under the Act shall be obliged to consider and decide the matter strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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