

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2455 of 2012

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Mannu Singh, S/O Late Ajay Singh, R/O Village- Raghapur, Dumari Buzurg, P.S.- Naya Gaon, District- Saran

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department Of Land and Revenue Department, Government of Bihar, Patna
3. The Commissioner, Saran Division, Saran
4. The District Magistrate-Cum-Collector, Chapra at Saran
5. The District Land Acquisition Officer, Chapra at Saran
6. Sri Vikas Kumar Singh, S/O Late Satrugan Singh, R/O Dumari Buzurg, Post- Dumari Buzurg, P.S.-Nayagaon, District - Chapra at Saran

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Singh, Adv. Mr. Shivanand Singh, Adv.
For the Respondent nos. 1 to 5	:	Mr. Satya Deo Kumar, SC-5
For the Respondent no. 6	:	Mr. Raj Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 25-01-2016

Heard the parties.

The matter at issue is the payment of compensation amount for the acquisition of the lands in question bearing khata no.1248, khesra no.5079 area 0.151 hectare situate at village Dumari Buzurg under Sonapur Block in the district of Saran.

It is not in dispute that for construction of four lane on N.H.-19 and 85 from Hajipur to Gopalganj via Chapra, a land acquisition proceeding was started by the competent authority under the provisions of The National Highways Act, 1956 (in short 'Act, 1956'). After following the procedure laid down in the Act, 1956 and the Rules made thereunder, an award was prepared with respect to the lands in question in favour of the private respondent no.6.



The learned counsel appearing on behalf of the petitioner submits that, in fact, the lands in question belongs to the petitioner and it does not belong to the respondent no.6 or his father Shatrughan Singh, but by committing fraud, the respondent no.6 got the award prepared in his favour and received the award amount to the tune of Rs.7,28,682.64. Therefore, the present writ petition has been filed seeking a direction to the official respondents that the aforesaid award amount should be paid to the petitioner after getting the amount recovered from the respondent no.6.

This matter was heard earlier on 22.09.2015 and on that date notice was issued to the private respondent no.6 calling upon him to show cause as to why the reliefs prayed for on behalf of the petitioner in the present writ petition be not granted to him. In the meantime, the learned SC-5 appearing on behalf of the respondent nos.1 to 5 was also directed to seek instructions and file a comprehensive counter affidavit.

In the light of the aforesaid order dated 22.09.2015, a counter affidavit has been filed by the learned SC-5 on behalf of the respondent nos.4 and 5. The respondent no.6 has also entered appearance through his counsel, but despite adjournment/accommodation granted to him, no counter affidavit has been filed on behalf of the respondent no.6 controverting the averments made in the writ petition. However, the learned counsel appearing on behalf of the respondent no.6 has been heard. In the counter affidavit filed on behalf of the respondent nos.4 and 5, it has been stated that, in view of the objection filed by the petitioner regarding wrong payment of award amount to the respondent no.6, the District Land Acquisition Officer, Saran at Chapra has taken



cognizance of the matter and he has issued notice dated 21.12.2015 directing the petitioner as also the respondent no.6 to appear before him with their respective documents in support of their claim of right and title over the lands in question bearing plot no.5079. The learned State counsel submits that the respondent District Land Acquisition Officer, Saran at Chapra is in seisin of the matter and after giving an opportunity of hearing to both sides, if it is found that the award amount has wrongly been received by the respondent no.6, then appropriate actions shall be taken for recovery of the aforesaid award amount from him and the grievances of the petitioner shall also be taken into consideration.

In view of the fact that the grievances raised on behalf of the petitioner is under consideration before the respondent District Land Acquisition Officer, Saran at Chapra, the present writ petition is disposed of with a direction to the respondent no.5 to conclude the enquiry, as contemplated, at an early date and after enquiry if it is found that the respondent no.6 has received the award amount without any right and title over the lands in question or if he has committed fraud for receiving the aforesaid award amount, then he shall take all consequential legal actions for recovery of the said amount as also for payment of award amount to the rightful owner. He shall also be at liberty to lodge a criminal case against the guilty person, if any fraud has been committed.

It is expected that the matter shall be taken into its logical conclusion at an early date preferably within a period of six months from the date of receipt/production of a copy of this order.

In order to expedite the matter, the petitioner and the respondent no.6 are hereby directed to appear before the

respondent no.5 within a period of two weeks from today with a certified copy of the present order, whereafter the respondent no.5 shall proceed in the matter in accordance with law and as per the directions issued above.

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

(Birendra Prasad Verma, J)

Arvind/-

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