

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2941 of 2014

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1. Ranjan Kumar Singh S/O Late Chunni Singh R/O Village + Post- Changui, P.S.- Morar, Dist.- Buxar, At Present Jagdamba Bhawan Civil Line, P.O.- Buxar, P.S.- Buxar Town, Dist.- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reform Department, Govt. Of Bihar
3. The General Manager, Bihar State Road Development Corporation Limited Patna
4. The District Magistrate cum Collector Bhojpur At Ara
5. The District Land Acquisition Officer, Bhojpur At Ara
6. The Divisional Forest Officer, Ara
7. M/S Tilla Construction And Contractor Pvt. Ltd. 304, B-4, Sagar Sarita, Co-Operative Housing Society Meena Nagar, Vassi, West Maharashtra, Pin Code-401202

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate.
For the respondent BSRDC : Mr. Vikas Kumar, Advocate.
For the State : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 03-10-2016

Heard Mr. Kalyan Shankar for the petitioner, Mr. Vivek Prasad, GP-7 for the State and Mr. Vikas Kumar for the respondent Bihar State Road Development Corporation Limited (for short ‘the BSRDC’).

The writ petition is filed for the following relief as culled out in para -(1):-

- “(i) For issuance of writ in the nature of Mandamus commanding the respondents to make payment for 86 trees which were cut without legal authority or consent.
(ii) For issuance of writ in the nature of mandamus commanding the respondents to stress pass on the exclusive land of the petitioner without any legal authority.
(iii) For issuance of writ in the nature of mandamus commanding the respondents to restrain them from making any construction on the land of petitioner without following the due procedure of the prevailing law.

(iv) For any other relief/reliefs for which the petitioner is entitled for.”

According to the writ petition, the petitioner was minor when the acquisition proceeding was taken up sometime in 1970-71 in respect of the subject land. The respondents, on the basis of an objection filed by the claimant, referred the matter to the Land Acquisition Court vide Reference case no. 185/1976 (under sections 18 and 30 of the Land Acquisition Act). The matter was considered by the learned 3rd Additional Sub-Judge, Ara and by a proceeding dated 10.07.1976 it was disposed of whereby the brother of the petitioner, namely, Ravindra Pratap Singh was accepted as the land owner being ‘karta’ of the family on the basis of the cadastral survey records, and the compensation under the award was directed to be paid to him. According to the respondents, the said compensation amount in the sum of Rs. 7430/- was paid to the elder brother of the petitioner. Now, the present writ petition is filed stating that he has attained majority, and it has come to his notice that the compensation amount has not been paid to his brother who is dead. It is stated that if that be the case, then the petitioner would be entitled to payment of fair compensation as per Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is also stated that with regard to the payment of the compensation amount, there is some contradiction in the stand of the State respondent(s).

Mr. Vivek Prasad, on the basis of the averments made in the counter affidavit, has submitted that the claim of the petitioner is based on revisional survey Khatiyani. Any entry in the Khatiyani neither creates nor extinguishes title. The respondents have clearly stated that in the light of the award prepared in the Land Acquisition Case and the order passed by the Sub-Judge-III, Ara in L.A. Case no. 185/1976, the compensation amount has already been paid to his brother. In his submission, it is a dispute between the two

brothers relating to the subject land. The State having accepted the title over the land of the recorded tenant, namely the brother of the petitioner being karta of the family as the owner has paid compensation amount as computed. Nothing more is required to be paid. That apart, it is submitted, that after delay of more than 40 years, the present writ petition is filed with a grievance that the cost of the trees cut from the land of the petitioner have not been paid to the land owner. Referring again to the averments made in the counter affidavit, it is submitted that the compensation amount so disbursed is also towards payment of the cost of the trees standing on the land which was acquired in 1970-71.

A dispute of this nature after a lapse of 40 years cannot be examined by a writ Court. If the petitioner has any claim over the compensation amount which, according to him, ought to have been paid to him in proportion the same can be raised before the Forum in accordance with law. This Court does not find any merit in the writ petition.

Dismissed.

Dismissal of this application shall, however, not preclude the petitioner from raising the said grievance before the appropriate forum/authority in accordance with law.

(Kishore Kumar Mandal, J)

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