

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3378 of 2015

IN

Civil Writ Jurisdiction Case No. 3794 of 2015

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Pramila Devi Wife of Sri Balakant Prasad Singh Resident of Village - Lodipur, P.S.
- Bind, District - Nalanda at present resident of S.R.T. 61, Rajendra Nagar Road,
No. 13, Patna-16

.... Petitioner

Versus

1. The State of Bihar Through Sri Amrit Lal Mina Secretary Urban Development Department Govt. of Bihar, Patna
2. The Collector, Patna Sri Sanjay Agrawal
3. The Land Acquisition Officer, Patna Sri Awadhesh Ram
4. Sri Jay Singh, Municipal Commissioner, Patna, Municipal Corporation, Mourya Lok Complex, Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ram Sumiran Singh, Advocate

For the State : Mr. Prashant Pratap, G.P. 6

For P.M.C. : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-11-2016

Heard parties.

Decision has been taken by the Municipal Commissioner, Patna Municipal Corporation, Patna holding that the land concerned has been handed over by the Land Acquisition Officer, Patna on 30.1.2009 and 16.6.2009.

The Land Acquisition Officer is present and informs that the possession of the land was taken over under Section 17(1) of the Land Acquisition Act, 1894 and, as such, the same stands into Government free from all encumbrances. However, so far the piece



of land in issue is concerned the Land Acquisition Officer has categorically stated before this Court that 80% of the estimated cost was never paid to any person while taken possession under Section 17 of the Act. The total area of plot no. 192 is 12 decimals out of which 80% estimated cost was given for 3 decimals to one Devendra Prasad Singh but remaining 9 decimals no such payment was made to anybody.

Learned counsel for the petitioner raises two questions. First is that how possession of remaining 9 decimals of land could have been taken by the State without payment of 80% of cost by the Collector under Section 3(A) of the Act? Second question is being raised by the petitioner is that, when the declaration under Section 6 of the Act was admittedly made in the year 2008, as has been informed by the Land Acquisition Officer, and since final Award was not pronounced the land acquisition proceeding concerned has already lapsed in terms of Section 11A of the Act in the year 2010 itself then it is infringing as to under what authority the Land Acquisition Officer proceeded with the matter.

However, since the order has been passed by the Municipal Commissioner and, in any view, order has been complied, the issues which are being raised by the petitioner cannot be answered in the present proceeding.



However, petitioner would always be at liberty to raise such issue before a competent forum which may be available to him under law.

This proceeding, accordingly, stands dropped.

The personal appearance of the Land Acquisition Officer, Patna, is dispensed with.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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