

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20213 of 2013

- =====
1. Parshuram Singh, son of late Baldeo Singh
 2. Shailesh Kumar, son of late Kamla Yadav
 3. Kameshwar Prasad Sharma, son of late Bachchu Singh
 4. Heera Lal Sharma, son of late Sukhdeo Singh
 5. Rakesh Kumar, son of late Siyaram Yadav
 6. Mahesh Mistri, son of late Pyare Mistri
 7. Dilip Kumar, son of late Sudeshwar Yadav
 8. Kanti Devi, wife of late Dayanand Yadav
 9. Nandu Mistri, son of late Mosafir Mistri
 10. Suraj Kumar, son of late Chandrika Yadav
 11. Jagdish Yadav, son of late Keshwar Yadav
 12. Shiv Nath Prasad Verma, son of late Yugal Verma
 13. Shekha Yadav, son of late Vishnu Dayal Yadav
 14. Vikrama Yadav, son of Lurak Yadav
 15. Chandradeo Yadav, son of late Kishun Yadav
 16. Uma Devi, wife of Arjun Mistri
 17. Lakhichand Yadav, son of late Bhagwan Yadav
 18. Sakhichand Yadav, son of late Bhagwan Yadav
 19. Sakaldeep Mistri, son of late Rangu Mistri
 20. Sewkhi Mistri, son of late Munshi Mistri
 21. Shiv Kumar Verma, son of late Manki Mahto
 22. Gyani Prasad, son of late Daljit Yadav
 23. Moti Yadav, son of late Sudu Yadav
 24. Suresh Yadav, son of late Ramashish Yadav
 25. Raj Ballabh Yadav, son of late Ram Ishwar Yadav
 26. Chandri Devi, wife of Nawal Yadav and daughter of Sublal Yadav
- All resident of village-Lodipur, P.O. and P.S.-Naubatpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Patna.
4. The Additional Collector (Revenue), Patna.
5. The District Land Acquisition Officer, Patna.
6. The Additional District Land Acquisition Officer, Patna.
7. The Land Reforms Deputy Collector, Danapur, Patna.
8. The Sub-Divisional Officer, Danapur, Patna.
9. The Circle Officer, Naubatpur, Patna.
10. The Managing Director, Bihar State Road Development Corporation Ltd. Road Construction Department Mechanical Work Shop Campus, near Airport, Sheikhpura, Patna.

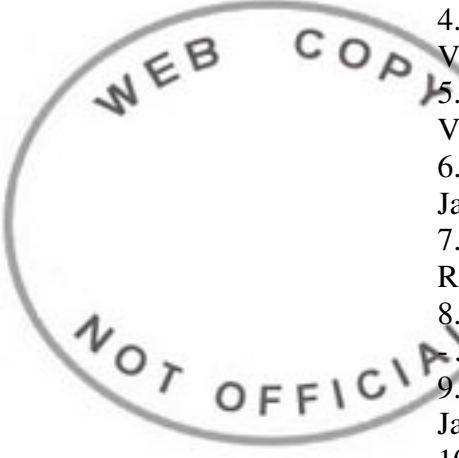
=====

With

Civil Writ Jurisdiction Case No.12541 of 2013

=====

1. Sudhir Kumar, Son Of Late Triveni Prasad Singh, Resident Of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna
2. Rabindra Kumar Sharma Son Of Late Suryadeo Singh Resident Of

- 
- Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
3. Raj Kumar Chaudhary Son Of Late Shital Choudhary Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
4. Mostt. Sheo Dulari Devi Son Of Late Parshuram Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
5. Mostt. Lakhrani Devi Son Of Late Naval Kishore Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
6. Uday Sharma Son Of Late Ram Ekbal Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
7. Shobhnath Sharma Son Of Shri Jaynandan Sharma Resident Of Village - Raooniya, P.O. Korwan, P.S. Naubatpur, District - Patna
8. Jitendra Narayan Singh Son Of Late Sheodhar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
9. Sachindra Sharma Son Of Late Rajeshwar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
10. Surendra Sharma Son Of Late Rajeshwar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
11. Jay Prakash Thakur Son Of Late Bhagwan Thakur Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
12. Shatrughan Singh Son Of Late Mahendra Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
13. Ram Naresh Singh Son Of Late Mahendra Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
14. Umesh Sharma Son Of Late Ram Adhar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
15. Devendra Sharma Son Of Late Ram Adhar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
16. Madan Sharma Son Of Shri Ram Pravesh Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
17. Kishun Deo Sharma Son Of Late Dasa Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
18. Siyaram Singh Son Of Late Ram Chalitar Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
19. Mahesh Kumar Son Of Late Suresh Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
20. Sheopujan Rai Son Of Late Ramdas Rai Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
21. Laxman Rai Son Of Late Radhe Rai Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
22. Nira Devi Wife Of Bashishtha Munee Rai Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
23. Hiriya Devi Wife Of Satyanarayan Rai Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
24. Sheodhyan Singh Son Of Late Gain Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna
25. Brij Nandan Rai Son Of Late Rajendra Rai Resident Of Village - Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
26. Shyam Sundar Upadhyay Son Of Late Paras Upadhyay Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna
27. Yogendra Upadhyay Son Of Late Ramdas Upadhyay Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District -

Patna

28. Ram Ekbal Tiwary Son Of Late Ramsubhag Tiwary Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

29. Upendra Kumar Upadhyay Son Of Late Ram Ratan Upadhyay Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

30. Kaushal Kishore Upadhyay Son Of Late Rajeshwar Upadhyay Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

31. Arun Upadhyay Son Of Late Lalan Upadhyay Resident Of Village - Dawarchak, Post - Sengar Tola, P.S. Rivilganj, Saran, Chapra

32. Ramakant Tiwary Son Of Late Ramsubhag Tiwary Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

33. Deo Prasad Upadhyay Son Of Late Daroga Upadhyay Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

34. Ramasheesh Tiwary Son Of Late Ramsubhag Tiwary Resident Of Village - Dawarchak Dariyapur, P.O. Korwan, P.S. Naubatpur, District - Patna

35. Mostt. Anupa Devi Son Of Late Medanee Singh Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna

36. Mithila Sharma Son Of Late Ram Adhar Resident Of Village - Jamalpura, P.O. Korwan, P.S. Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar, through the Collector, Patna
2. The Collector, Patna
3. Land Acquisition Officer, Patna
4. Additional Collector (Revenue), Patna
5. Subdivisional Officer, Danapur
6. Land Reforms Deputy Collector, Danapur
7. Anchal Adhikari, Naubatpur

.... Respondent/s

Appearance :

(In CWJC No.20213 of 2013)

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Respondent nos.1to9 : Mr. Krishna Chandra, AC to AG
For the Respondent no.10 : Mr. Vikash Kumar, Adv.

(In CWJC No.12541 of 2013)

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-24
Mr. Bipin Kumar, AC to SC-24

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

The grievance of the petitioners in both the writ petitions filed under Article 226 of the Constitution of India is that, though their lands have been acquired under the provisions of The Land Acquisition Act, 1894 (in short 'Act, 1894') and the award has been prepared treating their lands as agricultural lands, but, in fact, all the lands, which are subject matter of the acquisition, are homestead lands; therefore, they are entitled for higher amount of compensation. Accordingly, a prayer has been made for a direction to the respondents for payment of higher amount of compensation to them by treating their lands in question as homestead lands.

In the considered opinion of this Court, in view of the nature of the grievances raised on behalf of the petitioners with respect to the lands in question, the petitioners have an alternative and efficacious remedy under Section 18 of the Act, 1894 seeking reference of the matter to the Civil Court for grant of higher amount of compensation.

It goes without saying that, if any petition is filed on behalf of the petitioners before the Collector for reference of the matter to the Civil Court in terms of Section 18 of the Act, 1894, then the same shall be considered and decided in accordance with law.

Both the writ petitions stand disposed of.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--