

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13833 of 2013

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Mahesh Ram, Son Of Brahmdev Ram, Resident Of Village- Birpur, P.S.-
Raghopur, District- Vaishali (Hajipur). Present Address At Dusadhi Pakri,
P.S.- Patrakar Nagar, Kankerbagh, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Land Reforms
Department, Patna Bihar
2. The District Collector, Patna
3. The Additional Collector, Land Reforms, Patna
4. The District Land Acquisition Officer, Patna
5. The Housing Board Corporation, Patna through its Director, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Najmul Hoda, Adv.

Mr. Pravin Kumar Gupta, Adv.

For the Respondent nos.1to4 : Mr. Ashok Kumar Keshri, AAG-XI

Mr.Ujjwal Kumar Sinha, AC to AAG-XI

For the Respondent no.5 : Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 11-01-2016

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for payment of compensation to him for acquisition of two kathas, 10 dhurs of land, detailed in paragraph 4 of the present writ petition, which he claims to have purchased from one Sakaldeep Paswan by a registered sale deed dated 22.06.1982.

The learned counsel appearing on behalf of the petitioner submits that, though the lands in question have been acquired by the State of Bihar and its functionaries, but, despite several representations filed on behalf of the petitioner, the compensation amount has not been paid either to the petitioner or his vendor Sakaldeep Paswan.

The matter has been contested by the respondents by



filing a counter affidavit on behalf of the respondent nos.2 and 4. The learned State counsel appearing on behalf of the respondent nos.1 to 4, by referring to the averments made in the aforesaid counter affidavit, submits that the lands in question, besides other plots of land, was acquired by the State of Bihar and its functionaries for utilization by the Bihar State Housing Board by initiating Land Acquisition Case No.52 of 1975-76 under the provisions of The Land Acquisition Act, 1894. He further contended that an award was prepared in the name of vendor of the petitioner, besides others, and a notice under Section 12(2) of The Land Acquisition Act, 1894 was issued on 21.09.1981, which was received by the awardee Sakaldeep Paswan. It is next contended that possession over the lands in question was handed over to the requisitioning authority way back on 05.11.1981. Therefore, the aforesaid Sakaldeep Paswan was not legally authorized to execute the sale deed in favour of the petitioner on 22.06.1982. Hence, according to the learned State counsel, the purchase made by the petitioner was void ab-initio and he cannot claim the amount of award determined for acquisition of the lands in question.

A supplementary counter affidavit on behalf of the respondent nos.2 and 4 has been filed on 7th January, 2016, wherein in paragraph nos.8 and 9 it has been stated that some of the awardees received compensation amount on the basis of the award prepared in the year 1981. However, some other awardees including the vendor of the petitioner namely Sakaldeep Paswan did not receive the award amount; therefore, it was deposited in the government treasury, Patna under the heading of civil deposit vide challan no.4 dated 13.04.1981.

After having heard the parties and taking into consideration the materials available on the record including the affidavits filed on behalf of the parties, the present writ petition is disposed of with a liberty to the heirs of aforesaid Sakaldeep Paswan, who is now said to be dead, as also the petitioner or his heirs, if he has already died, to approach the District Collector, Patna for permitting them to receive the award amount determined for acquisition of the lands in question, which was, indisputably, belonging to the vendor of the petitioner.

If an appropriate petition is filed within a period of two months from today with a certified copy of the present order as also other supporting documents, then the respondent District Collector, Patna or any other competent authority of the respondent State shall be obliged to consider and decide the claim of the petitioner and/or his vendor or their heirs and legal representatives for payment of award amount to them, which is lying with the government treasury since 1981, at an early date preferably within a period of three months from the date of filing of such petition.

The petitioner and/or his vendor or their heirs and legal representatives shall be at liberty to raise all the issues of facts and law, which may be available to them, before the competent authority of the respondent State, as indicated above.

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

Arvind/-

(Birendra Prasad Verma, J)

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