

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.318 of 2014

IN

Civil Writ Jurisdiction Case No. 14953 of 2013

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Ganouri Prasad Singh, son of Ram Ishwar Singh, Village – Kalyan Bigha, PO – Barah, PS – Harnaut, Anchal – Harnaut, District - Nalanda

.... Appellant/s

Versus

- 1 The State of Bihar
- 2 District Magistrate, Nalanda
- 3 Land Acquisition Officer, Nalanda
- 4 Principal, Industrial Training Institute, Kalyan Bigha, Nalanda

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Ganouri Prasad Singh (In Person)

For the Respondent/s : Mr Mritunjay Kumar, AC to SC - 23

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

&

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 11-03-2016

Heard the appellant in person and the learned counsel for the State and, with their consent, this appeal is being disposed of at this stage itself.

2 The writ petitioner's/appellant's grievance is that he had about 1.12 acres of agricultural land which the Government has wrongly acquired. He wants his land back. He had filed a writ petition in this Court from which this appeal arises. The writ petition was dismissed noticing the facts in detail. The State had acquired the



aforesaid lands for establishing an Industrial Training Institute in the year, 2008-2009. Alongwith the said plan, there was acquisition, with consent of the land owners of about 4.85 acres, 1.16 acres and 5.04 acres of land, which included the land of the writ petitioner/appellant for various public purposes which included High School, Power Sub Station and Hospital. As the writ petitioner/appellant had agreed to the acquisition proceedings, he got a better deal from the State Government. As against normal solatium of 30%, he was awarded 60% as solatium and he received 80% of the total compensation amount being Rs 6,24,872/- as far back as on 26.12.2008 but, after award was made and notices were issued for final payment on 29.10.2010, he did not come to receive the final payment. Having waited for sometime, the aforesaid amount was deposited in Civil Deposit Head on 12.05.2012. It appears, thereafter, the writ petitioner/appellant read newspapers about certain orders passed by the Apex Court in relation to the acquisition of agricultural lands and directing State not to acquire agricultural land and being inspired by that, he filed the writ petition in 2013 requiring the Government to return the land to him as now he was unwilling to part with it. It is this writ petition that was dismissed and, hence, the appeal.

3 Having considered the matter, once the writ petitioner/appellant does not dispute that he had agreed to acquisition

and received substantial amount of compensation with enhanced solatium, he cannot now turn back and ask for return of the land as by virtue of Section 17 of the Land Acquisition Act, 1894, the land had vested in the Government and was no more writ petitioner's/appellant's land. It too late in the day for the writ petitioner/appellant to challenge those proceedings especially when he does not contradict the fact that he had consented to acquisition and had also received more than 80% of the compensation value alongwith enhanced solatium etc.

4 However, we would point out that the balance 20% of the awarded amount is lying in Civil Deposit. It shall be the duty of the Collector, Nalanda to ensure that the same, alongwith interest upto date, is paid to the writ petitioner/appellant within two months from today.

5 With the aforesaid observation and direction, this appeal stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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