

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17185 of 2012

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Sudama Ojha, Son Of Late Gauri Shankar Ojha, R/O Village - Pande Parsama, P.S. – M.M.M.C.H. Gaya , District – Gaya, at present residing at New Bishanpur, Durga Mandir Road, (B.Polytechnic), Dhanbad, Jharkhand
..... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The District Magistrate, Gaya
3. The District Land Acquisition Officer, Gaya
4. The Circle Officer, Gaya
5. The Project Director, N.H. - 83, National Highway Authority of India, Patna Division, Patna
6. Raj Mohan Mistri, Son of Not Known, R/O Village - Pande Parsama, P.S. - M. M.M.C.H, Gaya, District - Gaya
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr.S.K.Das, Adv.
Mr. Ashok Kumar Jha, Adv.
For the Respondent nos.1to4 : Mr. Krishna Chandra, AC to AG
For the Respondent no.5 : Mr.S.N.Pathak, Adv.
For the Respondent no.6 : Mr.Shailendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-08-2016

Heard the parties.

The petitioner is aggrieved by the letter/communication dated 06.07.2012 (Annexure-9) issued by the Project Director of National Highways Authority of India to the District Land Acquisition Officer, Gaya, whereby, in view of pendency of Civil Suit in the court of learned Sub-Judge-II, Gaya with respect to the lands in question between the respondent no.6 and the present petitioner, payment of award amount to the writ petitioner has been directed to be stopped till final decision by the court.

It is not in dispute that the award was prepared in favour of the petitioner by the competent authority treating him to be the interested person for the lands in question, but the respondent no.6 filed Title Suit No.194 of 2012, which is still pending in the court of learned Sub-Judge-II, Gaya seeking

declaration of his right and title over the lands in question, for which award has been prepared.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has not disputed the factum of filing of the aforesaid Title Suit by the respondent no.6 in which the present petitioner is also a defendant.

In view of the admitted position that a Civil Suit is pending in the court of learned Sub-Judge-II, Gaya for declaration of right and title of the parties over the lands in question, this Court does not feel persuaded to interfere with the impugned letter/communication dated 06.07.2012 (Annexure-9), whereby payment of award amount has been directed to be stopped till final decision by the Civil Court.

In above view of the matter, the writ petition is dismissed.

However, it goes without saying that, once the Civil Suit is decided, the award amount shall be paid to the successful party in accordance with law.

Learned counsel appearing on behalf of the petitioner as also learned counsel appearing on behalf of the respondent no.6 submit that they are prepared to cooperate for early disposal of the Civil Suit. In above view of the matter, the learned Civil Court, Gaya is directed to take up the aforesaid Civil Suit on priority basis and all endeavours shall be made to dispose of the same expeditiously.

Arvind/-

(Birendra Prasad Verma, J)

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