

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4958 of 2013

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1. Bansidhar Paswan
2. Deodar Paswan @ Deodhar Paswan
Both Sons of Late Sohan Paswan, Resident of Village - Suara, P.S. - Dehri,
District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Competent Authority-Cum-District Land Acquisition Officer, Rohtas
At Sasaram
3. Deorajiya @ Buchiya Kunwar claiming to be 2nd Wife Of Late Ram
Swarup Ram claiming to be Resident Of Village Suara, P.O. - Pahleja, P.S.
- Dehri, District - Rohtas
4. Lilawati Devi, Wife Of Ramdhyan Paswan, Resident Of Village -
Dariyapur, P.O. - Fesar, District - Aurangabad
5. Dewanti Devi, Wife of Ramdhar Paswan, Resident of Village -
Dariyapur, P.O. - Fesar, District - Aurangabad
6. Kalawati Devi, Wife Of Saroj Paswan, Resident Of Village Chura, P.O. -
Jaigovindpur, P.S. - Barun, District - Aurangabad
7. Maya Devi, Wife Of Bisheshwar Paswan, Resident Of Village -
Hasanpura, P.O. - Dihra Jhumar, P.S. - Barun, District - Aurangabad
8. Suryamukhi Devi, Wife Of Dhananjay Paswan, Residing At Village -
Bela, P.O. - Aurangabad, P.S. Mufasil (Aurangabad), District - Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi, Adv.
For the Respondent nos.1&2 : Mr. Prabhu Narayan Sharma, AC to AG
For the Respondent nos.3to8 : Mr.Ravi Shanker Sahay, Adv.
Mr.Ajay Nandan Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-04-2016

Heard the parties.

Indisputably, the lands in question, fully detailed in paragraph 3 of the writ petition, have been acquired under the provisions of The National Highways Act, 1956 (in short 'Act, 1956') and compensation has been determined under the provisions of Section 3-G of the Act, 1956 in favour of the writ petitioners on the ground that with respect to the lands in question probate order was passed in their favour. However, by the

impugned order dated 28.09.2012 passed by the competent authority-cum-District Land Acquisition Officer, Rohtas, Sasaram, as contained in Annexure-6 to the writ petition, payment of the compensation amount has been stayed till final disposal of the Revocation Case No.56 of 2007 pending in the court of learned 1st Additional District Judge, Rohtas, Sasaram.

Both the petitioners claim that the lands in question was originally belonging to one Asturni Devi, wife of one Swaroop Paswan and she executed an Will in their favour, which was probated by the learned 1st Additional District Judge, Rohtas, Sasaram by his judgment and order dated 13.02.2002 and letter of administration has been issued in their favour, which has been brought on record as Annexure-2 to the writ petition.

The private respondent nos.3 to 8 also claim to be the heirs and legal representatives of aforesaid Swaroop Paswan @ Ram Swaroop Paswan @ Ram Swaroop Ram. According to them, the Will allegedly executed by Asturni Devi was not valid and legal and the letter of administration was issued in favour of the petitioners without giving them any opportunity of hearing. Therefore, they have filed Revocation Case No.56 of 2007, which is pending in the court of learned 1st Additional District Judge, Rohtas, Sasaram. In view of the pendency of the aforesaid revocation case and in view of the objection raised by the private respondents, the competent authority has stayed the payment of compensation amount to the petitioners.

Indisputably, the petitioners are party in the aforesaid Revocation Case No.56 of 2007. If the payment of compensation amount is made to the petitioners and subsequently order of probate is revoked, then that will lead to the multiplicity of the

litigations. Therefore, the respondent District Land Acquisition Officer, Rohtas, Sasaram-cum-competent authority has rightly stayed the payment of compensation amount to either party till the decision in the aforesaid revocation case.

After having heard the parties and taking into consideration the entire factual matrices of the case, noticed above, this Court does not find any good ground to interfere with the impugned order dated 28.09.2012, as contained in Annexure-6 to the writ petition. However, learned 1st Additional District Judge, Rohtas, Sasaram, who is in seisin of the aforesaid Revocation Case No.56 of 2007, is directed to take up the aforesaid case on priority basis and he shall make all endeavours to decide the same at an earliest possible time.

It is expected that the petitioners as also the private respondent nos.3 to 8 shall co-operate in early disposal of the aforesaid Revocation Case No.56 of 2007. If the aforesaid revocation case is dismissed, then the respondent District Land Acquisition Officer, Rohtas, Sasaram –cum-competent authority shall be obliged to pay the compensation amount, so determined by him, to the petitioners.

With the aforesaid observations and directions, the writ petition stands dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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