

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22344 of 2011

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Kulbansh Singh, S/O Late Badri Singh, Resident Of Village- Kundwa, P.S-
Barun and District- Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Patna (Bihar)
2. The District Magistrate and Collector, Auranbagad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Additional Colletor, Auranbagad.
5. The Circle Officer, Nabingar, Aurangabad.
6. The Chief Executive Officer, Nabinagar Power Generating Co Pvt., Ltd., (Joint Venture Of NTPC Ltd., B.S.E.B), Patna.
7. The Addl, General Manager, Nabinagar Power Generation Co Pvt., Ltd., Site Officer Barun, Distt- Aurangabad (Bihar)
8. The Jadubansh Singh S/O Late Badri Singh
9. Jai Prakash Singh S/O Late Akhileshwar Singh Resident Of Village- Kundwan, P.O- Ankorha, P.S- Barun And Distt. Aurangabad (Bihar)
10. Om Prakash Singh S/O Late Akhileshwar Singh Resident Of Village- Kundwan, P.O- Ankorha, P.S- Barun And Distt. Aurangabad (Bihar)
11. Satish Singh S/O Late Akhileshwar Singh Resident Of Village- Kundwan, P.O- Ankorha, P.S- Barun And Distt. Aurangabad (Bihar)
12. Surendra Singh S/O Late Akhileshwar Singh Resident Of Village- Kundwan, P.O- Ankorha, P.S- Barun And Distt. Aurangabad (Bihar)
13. Birendra Singh S/O Late Akhileshwar Singh Resident Of Village- Kundwan, P.O- Ankorha, P.S- Barun And Distt. Aurangabad (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
For the Respondent nos.1to5	:	Mr. Krishna Chandra, AC to AG
For the Respondent nos.6&7	:	Mr.Anil Kumar Sinha, Adv. Mr.Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

4 03-08-2016

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondent Collector to refer the matter to the court under Section 30 of The Land Acquisition Act, 1894 (in short 'Act, 1894) for apportionment of the award amount determined by the Collector for the acquisition of the lands in question under the provisions of the Act, 1894.



In the whole writ petition filed on behalf of the petitioner neither the date of award prepared by the Collector under the Act, 1894 has been disclosed nor the facts regarding filing of the written application by the petitioner under Section 18(1) read with Section 30 of the Act, 1894 have been mentioned.

In the present case, a counter affidavit has been filed on behalf of the respondent nos.2 to 4, wherein a copy of the award prepared by the Collector under the Act, 1894 for acquisition of the lands in question has been brought on the record as Annexure-A to the aforesaid counter affidavit. From perusal of Annexure-A it appears that all the awards were prepared on 08.05.2010 for the purposes of acquisition of the lands in question under the provisions of the Act, 1894. In response to a query made by this Court, the learned counsel appearing on behalf of the petitioner has fairly conceded that no formal petition under Section 18(1) of the Act, 1894 has been filed on behalf of the petitioner for reference of the matter to the Civil Court.

In the considered opinion of this Court, if an award is prepared under Section 11 of the Act, 1894 for acquisition of parcel of lands, and if someone is aggrieved either with respect to the quantum of the compensation determined by the Collector or for its apportionment or if there is dispute about the persons to whom award amount is payable, then such person is required to file a written application to the Collector requiring him to refer the matter for determination by the Civil Court. Section 18 and Section 30 of the Act, 1894 are required to be read together for the purposes of filing written application by the aggrieved person. These two provisions cannot be read in isolation.

In the present case, admittedly, no written application

has been filed by the petitioner under Section 18(1) of the Act, 1894 before the Collector seeking reference of the matter to the court. In that view of the matter, the relief sought for on behalf of the petitioner cannot be granted in view of the principles laid down by the Hon’ble Apex Court in the case of **Officer on Special Duty (Land Acquisition) & Another Vs. Shah Manilal Chandulal & Others. [(1996) 9 SCC 414]** and **Bhagwan Das & Ors. Vs. State of U.P. & Ors. [AIR 2010 SC 1532: (2010) 3 SCC 545]**.

The writ petition is apparently devoid of merit and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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