

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14634 of 2015

=====

Ganga Devi, Wife of Late Rampat Prasad, resident of village - Mirzapur
Nohta, P.S. Fatuha, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The District Magistrate, Patna
3. The District Land Acquisition Officer, Patna
4. The District Land Officer, Patna
5. Circle officer, Fatuha, Patna
6. The Circle Inspector, Fatuha, Patna
7. Chandeshwar Prasad, Son of Kishun Gope, resident of village - Mirzapur
Nohta, P.S. Fatuha, District - Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Adv.
Mr. Rajesh Kumar, Adv.
For the Respondent nos.1to6 : Mr. R.K. Priyadarshi, SC-32

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-03-2016

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 award amount for the lands bearing Khesra No.1593, area 22 decimals situate at Mauza Sonaru, which has been acquired under the provisions of The National Highways Act, 1956.

Learned counsel appearing on behalf of the petitioner submits that, though the lands in question belong to the writ petitioner, but payment of award amount has been made to the respondent no.7, who was not the rightful owner of the lands in question.

In the present case, a counter affidavit has been filed



on behalf of the respondent nos.2 and 3 wherein it has been admitted that the lands in question have been acquired for widening N.H.-30 (Patna-Bakhtiyarpur Section) in L.A. Case No.84 of 2011-12. It has further been stated that the competent authority determined the amount for acquiring the lands in question in terms of Section 3-G of The National Highways Act, 1956. It has also been stated that at the time of determination only the respondent no.7 appeared and claimed that the lands in question belonged to him, whereafter compensation amount of Rs.35,01,348.71 was paid to him by cheque dated 16.08.2013. The payment voucher has been brought on record by the respondents as Annexure-A to the aforesaid counter affidavit.

From the materials available on the record, it appears that subsequently petitioner raised her claim before the authorities concerned that, in fact, the lands in question belong to her and award amount should have been paid to the writ petitioner and not to the respondent no.7, whereafter the notices were issued to the respondent no.7 for return of the amount, after getting an enquiry conducted by the Circle Officer, wherein it was held that, in fact, the respondent no.7 has wrongly received the award amount, as the land possession certificate was not issued in his favour. In paragraph 12 of the aforesaid counter affidavit, it has been stated that a certificate proceeding has been initiated for recovery of the aforesaid amount i.e. Rs.35,01,348.71 from the respondent no.7.

From the facts noticed above, it is apparent that the issue raised herein on behalf of the petitioner in the present proceeding is under active consideration before the respondent District Land Acquisition Officer, Patna, besides other authorities. In above view of the matter, the petitioner is directed to appear

before the respondent District Land Acquisition Officer, Patna with all supporting documents in respect of her claim over the lands in question within a period of one month from today, whereafter the respondent District Land Acquisition Officer, Patna shall take all follow-up legal actions for redressal of valid grievances of the petitioner. The respondent no.3 shall make all endeavours to redress the valid grievances of the petitioner within a maximum period of six months from the date of appearance of the petitioner in the manner indicated above.

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

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--