

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15672 of 2014

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1. Abhash Anand Son of Late Jai Shankar Jha Resident of Purani Bazar, Ward No. 10, P.S. and District Madhepura.
 2. Sikandar Bhagat Son of Domi Bhagat Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 3. Dinesh Prasad Yadav @ Dinesh Yadav Son of Late Bindeshwari Prasad Yadav Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 4. Dip Narayan Yadav Son of Bhagwat Prasad Yadav Resident of Nav Tolia, Ward No. 2, P.S. and District Madhepura.
 5. Tula Krishna Yadav Son of Late Deo Narayan Yadav Resident of Nav Tolia, Ward No. 2, P.S. and District Madhepura.
 6. Bhuneshwari Yadav Son of Late Deo Narayan Yadav Resident of Nav Tolia, Ward No. 2, P.S. and District Madhepura.
 7. Sumed Lal Yadav Son of Late Yamun Yadav Resident of Pathraha, Ward No. 4, P.S. and District Madhepura.
 8. Nand Kishore Bhagat Son of Late Narayani Bhagat Resident of Ward No. 10, P.S. and District - Madhepura.
 9. Jitendra Bhagat Son of Budhdeo Barai Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 10. Domi Sah Son of Ramji Sah Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 11. Nisar Ahmad Son of Abdul Hakim Resident of Ward No. 11, P.S. and District Madhepura.
 12. Mahesh Kumar @ Mahesh Bhagat Son of Late Shrawan Bhagat Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 13. Bisheshwar Yadav Son of Late Krishna Yadav Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 14. Moti Thakur Son of Rabbi Thakur Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.
 15. Bishundeo Prasad Yadav @ Bishundeo Yadav Son of Late Bindeshwari Prasad Yadav Resident of Adarsh Nagar, Ward No. 8, P.S. and District Madhepura.

.... Petitioners

Versus



1. The State of Bihar.
2. The Collector cum District Magistrate, Madhepura.
3. The District Land Acquisition Officer, Madhepura.
4. The Executive Engineer, Bihar Police Building Construction Nigam, Bhagalpur, Pramandal Bhagalpur.
5. The District Sub Registrar, Madhepura, At and P.S. Madhepura District - Madhepura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lala Sachindra, Adv.
Mr. Ashok Kumar Sinha No.-2, Adv.
For the State : Mr. Ravi Verma, A.C to G.P. 4

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL JUDGMENT
Date: 07-12-2017**

Supplementary counter affidavit is filed on behalf of respondent no. 2 and 3. Let it be kept on record.

Heard learned counsel for the petitioners as well as learned A.C. to G.P. 4, appearing for the State.

Certain lands of petitioners were acquired and award was prepared in the month of August, 2013 but the petitioners were not satisfied with the amount of the award and they made protest before the Collector, Madhepura, who vide impugned order dated 05.07.2014 passed in Misc. Land Acquisition Case No. 01 of 2014 disposed of the objection of the petitioners and refused to refer the objection of the petitioners to competent civil court. However, a liberty was granted to the petitioners to this effect that they may raise their grievance before



the civil Court.

Section 18 of the Land Acquisition Act, 1894 says that *“Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.”*

From bare perusal of the aforesaid provision, it is clear that if any objection is raised on behalf of the interested person regarding the compensation etc. the Collector is bound to refer the aforesaid objection to the competent civil Court for determination and except the reference, the Collector has no alternate but in the present case, the Collector has rejected the objection of the petitioners and refused to make reference and, therefore, in my view, the Collector has violated the mandatory provision of Section 18 of Land Acquisition Act, 1894.

However, in course of hearing, learned counsel appearing for the State submits that petitioners have already accepted the amount of the award and, therefore, it cannot be said that they are not satisfied with the amount of award but I am not, at all, convinced with the aforesaid submission because Annexure-A to supplementary counter affidavit goes to show that amount was accepted by the petitioners with protest. Moreover, mere acceptance of the amount



determined by the land acquisition officer is not sufficient to show that the petitioners have no grievance regarding the amount of compensation.

Therefore, in the aforesaid circumstance, this writ petition stands allowed and the impugned order dated 05.07.2014 passed by the Collector, Madhepura in Misc. Land Acquisition Case No. 01 of 2014 stands quashed and the matter is sent back to the Collector, Madhepura with direction to him to proceed in accordance with the mandate of Section 18 of Land Acquisition Act, 1894 within four weeks from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.12.2017
Transmission Date	N.A.

