

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21960 of 2014

=====

Deep Narayan Pandit son of Late Achraj Pandit, Resident of village- Babuchak,
Police Station- Phulwarisharif, District - Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector, Patna.
5. The District Land Acquisition Officer-cum-Competent Authority, Collectorate Compound, Patna.
6. Kumar Kundal Lal, son of Sri Sheo Kumar Singh Resident of village- Silao, Police Station, Silao, District-Nalanda at present posted as the Circle Officer, Danapur Anchal, Patna.
7. Kapil Singh, son of Late Jata Singh Resident of village- Gorgawa, Police Station- Sahpur, District- Patna

.... Respondents

=====

Appearance :

For the Petitioner	: Mr. Nirmal Kumar Mr. Lokesh, Advocates
For the State	: Mr. Rakesh Kumar Ranjan, AC to GA 5
For the NHAI	: Mr. S.N.Pathak, SC, NHAI.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-11-2017

The present writ petition has been filed for a direction to the respondents to pay the land compensation amount which was acquired by the respondents under the project of National Highway 30 Patna-Buxar Four Lane and/or any other appropriate writ or writs for which the petitioner is entitled under the Land Acquisition Act and directing the respondents not to interfere in payment of compensation in terms of Land Acquisition Act/Rule and pay the land compensation



amount Rs. 64, 97,296/- to the petitioner with interest as provided under the Land Acquisition Act.

2. Learned counsel for the respondents at the very outset invites attention to the provisions of Section 3.H (4) of the N.H.A.I. Act, 1956 which reads as follows –

“If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

3. It is stated that in view of creation of two jama bandis in favour of the petitioner as well as the private respondent no. 7 in respect of the same land that the matter requires adjudication of the title, the matter was referred to the Special Land Acquisition Judge, Patna in terms of the aforesaid provision by letter no. 1955 dated 05.12.2014 (Annexure-C to the counter affidavit). It is stated that the matter as referred is pending adjudication. Learned counsel for the petitioner does not dispute the above stand, stating however, that the matter has remained pending for a considerable period.

4. In the above circumstances, this Court is not inclined to interfere in the matter which is already pending adjudication before the appropriate Court in terms of Section 3.H (4) of the N.H.A.I. Act.



5. The writ petition stands dismissed.

6. It is expected that the matter will be disposed of on its own merits in accordance with law, expeditiously.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.11.2017
Transmission Date	N.A.

