

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17535 of 2014

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Surendra Singh Son of Late Ambika Singh, Resident of Village- Sighahiya, P.S. Sahiyara, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Collector, Sitamarhi, District- Sitamarhi
2. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur
3. The Circle officer, Bathnaha, District- Sitamarhi
4. Sri Manoj Kumar, Son of Late Ambika Singh, Resident of Village- Sighahiya, P.S. Sahiyara, District- Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Respondent/s : Mr. P.N. Sharma, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-09-2017

Heard the parties.

In this case, the petitioner has raised grievance against his own brother, namely, Manoj Kumar, respondent no.4, making a complain that the land bearing Khata No.5, Khesra No.1378, measuring 0.14 decimal has been acquired for the purposes of construction of embankment under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Land Acquisition Act, 2013) and the authority has fixed the amount of compensation as Rs.1,50,244/-. The respondent no.4, instead of giving the share to the petitioner has lifted the entire amount of compensation of the land, leaving the



petitioner high and dry.

Learned counsel for the petitioner has submitted that while receiving the amount of compensation the respondent no.4 has given an undertaking, if it is found to be illegal receipt, he will return the amount to the competent authority, but instead of returning the same, the petitioner is moving from pillar to post.

Let the petitioner take steps as provided under Section 75 and 76 of Land Acquisition Act, 2013 by filing proper application before the Collector, Sitamarhi within four weeks from today. If such an application is filed, the Collector would examine the matter and if he finds that there is dispute he will refer the dispute to the authority for its decision in terms of Land Acquisition Act, 2013. The entire exercise must be completed within six months from the date of filing of application by the petitioner.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	18.09.2017
Transmission Date	N/A.

