

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8677 of 2013

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Prithvinath Singh son of Late Ram Briksha Singh, resident of village-
Narsinghbigha, P.O-Pahleja, P.S- Dihri, dist- Rohtas.

.... Petitioner/s

Versus

1.The State of Bihar through the District Land Acquisition Officer cum
competent Authority Rohtas.

2. District Magistrate Rohtas

3. Narendra Dev Prasad son of Keshwar Singh, resident of village West
Mohan Bigha Ward No. 6, P.S- Dehri, District- Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 25-07-2017 Heard learned counsel for the petitioner, learned

counsel for the private respondents as well as learned counsel for

the State.

The petitioner has challenged the order dated
28.02.2013 passed by the District Land Acquisition Officer,
Rohtas, Sasaram as contained in Annexure-17 of this petition in
L.A.Case No. 02 of 2012-13.

It is an admitted facts that certain lands were acquired
and award was prepared against which the private respondent no.
3 filed objection which was referred to the competent civil court
where L.A Case No. 140 of 2003 was registered but subsequently,
the aforesaid L.A.Case No 140 of 2003 was dismissed for non
prosecution. Thereafter, Civil Miscellaneous Case No. 10 of 2010
was filed for restoration of L.A Case No. 140 of 2003 but
subsequently, Civil Miscellaneous Case No. 10 of 2010 was



withdrawn and, thereafter, petitioner preferred a petition before the District Land Acquisition Officer, Rohtas, Sasaram for payment in his favour but the District Land Acquisition Officer, Rohtas, Sasaram passed the impugned order after coming to the conclusion that only private respondent no. 3 was entitled to receive the payment as the acquired lands fell in his share in a family partition.

Learned counsel appearing for the petitioner submits that when L.A.Case No. 140 of 2003 had already attained finality, the District Land Acquisition Officer, Rohtas, Sasaram had no jurisdiction to pass order to grant compensation to the private respondent no. 3 because due to dismissal of L.A Case No. 140 of 2003, the claim of the private respondent had already been decided.

On the other hand, learned counsel appearing for the private respondent no. 3 submits that it was petitioner himself, who had filed petition before the District Land Acquisition Officer, Rohtas, Sasaram and on his petition the matter was reopened and, thereafter, the District Land Acquisition Officer, Rohtas, Sasaram passed the impugned order in accordance with law.

I am not at all convinced with the submissions advanced by the learned counsel for the private respondent no. 3 because it is an admitted position that his objection was dismissed



vide L.A.Case No. 140 of 2003 and, moreover, after dismissal of L.A.No. 140 of 2003, the petitioner filed a petition only for taking payment in accordance with law. The award had already prepared but even then the District Land Acquisition Officer, Rohtas, Sasaram passed the order for preparation of fresh award in the name of private respondent no. 3 which is completely against the law and, therefore, in the aforesaid circumstance I have no option to set aside the impugned order dated 28.02.2013 passed by District Land Acquisition Officer, Rohtas, Sasaram in L.A.Case No. 02 of 2012-13.

Accordingly, the above stated order dated 28.02.2013 passed in L.A.Case No. 02 of 2012-13 stands set aside and the matter is remitted back to the District Land Acquisition Officer, Rohtas, Sasaram with direction to him to ensure the payment of award in favour of the petitioner and other beneficiaries, if any, in accordance with law within a month from the date of receipt/production of a copy of this order.

(Hemant Kumar Srivastava, J)

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