

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1357 of 2014

IN

Civil Writ Jurisdiction Case No. 9879 of 2013

=====

Arvind Pratap Singh @ Krishna Murari Singh S/o Chandradeep Singh
Resident of Village Suara, P.O. Pahleja, P.S. Dehri-On-Sone, District
Rohtas. Appellant

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram, P.O. and P.S. Sasaram, District Rohtas.
3. The District Land Acquisition Officer-cum-Competent Authority, Rohtas at Sasaram, P.O. and P.S. Sasaram, District Rohtas.
4. The Project Director, National Highway Authority Maqbul Alam Road, D.I.G. Colony, Varanasi (U.P.).
5. Vishwanath Singh
6. Sheojee Singh
7. Dharmendra Singh S/o Late Dudh nath Singh All Sl. No. 5 to 7 are Resident of Village Suara, P.O. Pahleja, P.S. Dehri-on-Sone, District Rohtas. Respondents

=====

Appearance :

For the Appellant	:	Mr. T.N. Maitin, Sr. Advocate Mr. Akhouri Vipin Bihari Shrivastava, Advocate
For the H.H.A.I.	:	Mr. S.N. Pathak, Advocate
For the State	:	Mr. Krishna Chandra, JC to AG

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-05-2017

Heard learned counsel for the appellant, learned counsel for the N.H.A.I. and learned counsel for the State.

This Letters Patent Appeal has been filed against the order dated 21.08.2014, passed in C.W.J.C. No. 9879 of 2013 by learned Single Judge.

After having heard learned counsel for the parties and looking at the nature of dispute with regard to right, title and interest between the parties, who were entitled to the benefit of compensation due to land acquisition, which has been made on behalf of National Highway Authority, the



learned Single Judge rightly referred the matter to the Civil Court for the issue to be decided, where a Title Suit Nos. 130/2011 and 162/2011 are already pending for adjudication.

The order dated 15.04.2013, which was the order of the competent authority-cum-District Land Acquisition Officer, Rohtas, Sasaram, in Land Acquisition Case No. 3 of 2012-13, was quashed, and a direction was issued that no payment of compensation would be made to either of the parties till the right or title is decided by the Civil Court. The whole foundation of the claim for compensation can only arise provided the right, title between the parties is decided by the court of competent jurisdiction.

There are serious disputes which have been raised and require adjudication by the Civil Court. Therefore, there cannot be a formality of allowing part compensation and part adjudication by the Civil Court.

No interference is warranted with the impugned order of the learned Single Judge. The parties must try to expedite the hearing of the suit, so that it can be adjudicated and decided at the earliest, which will be in the interest of one and all.

This appeal is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/NAFR

U			
---	--	--	--

