

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1633 of 2016
IN
Civil Writ Jurisdiction Case No. 25081 of 2013**

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1. Dinesh Chandra Thakur, son of Sri Yogendra Thakur, resident of Village-
Kanhawa, P.S.- Bela, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue & Land Reforms Department, Govt. of Bihar,
Patna.
3. The Collector, Sitamarhi.
4. The District Land Acquisition Officer, Sitamarhi.
5. The Commandant, S.S.B. Shantinagar, D.T.T. Campus, Dumra, P.S.- Dumra,
District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore- PAAG 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

Seeking exception to an order dated 19.7.2016 passed
by the learned Writ Court in C.W.J.C. No.25081 of 2013, this appeal
has been filed under Clause 10 of the Letters Patent.

Before the learned Writ Court, petitioner had
challenged an order dated 26.3.2012 passed by the District Land



Acquisition Officer, Sitamarhi, whereby two applications filed by the petitioner, one under Section 18 for reference of the acquisition matter to the civil court for enhancement of compensation and another under Section 30 of the Land Acquisition Act, 1894 for apportionment of the amount of the award, has been rejected on the ground of delay.

Records indicate that acquisition proceedings for the land in question started in the year 2005 and petitioner's father Yogendra Thakur participated in the land acquisition proceedings. An award was passed and prepared on 25.5.2008 and possession of the land was taken over on 9.7.2008.

Petitioner's father approached this Court and wanted exemption of the land from acquisition proceedings. He failed as this petition was dismissed by this Court. Thereafter petitioner's father accepted the order passed by the District Land Acquisition Officer and received the award.

However, subsequently the petitioner claimed his right to the property contending that the property does not belong to his father. It belongs to him and, therefore, again raised a plea of exemption of land from land acquisition proceedings. The District Land Acquisition Officer, a learned single Bench of this Court and a



Division Bench of this Court all rejected the claim. The matter went to the Hon'ble Supreme Court and the Hon'ble Supreme Court also dismissed the S.L.P. Annexures 6 to 9 are the orders in this regard.

After the matter so stood settled, petitioner started the second round of litigation by filing two applications, one under Section 30 and another under Section 18 of the Land Acquisition Act, 1894 seeking apportionment of the award and also for enhancement of the compensation by seeking a reference under Section 18. The District Land Acquisition Officer, Sitamarhi dismissed both these applications as barred by time on 26.3.2012 and the learned Writ Court, after examining various aspects of the matter came to the conclusion that the award in question was passed way back in the year 2008-09 and the proceedings initiated under Sections 18 and 30 being clearly barred by time, the petition was dismissed and while doing so, finding the petitioner to have indulged in frivolous litigations, a cost of Rs. 50,000/- was awarded.

Having heard learned counsel for the parties at length, we find no error in the order passed by the learned Writ Court dismissing the writ petition on the ground of delay. To that extent no indulgence into the matter is called for.

However, looking into the facts and circumstances of



the case, award of Rs.50,000/- cost seems to be not called for and, to that extent only, we allow the petition and set aside the order passed by the learned Writ Court so far as it directs award of cost to the petitioner.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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