

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13224 of 2014

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1. Phulmati Kunwar Wife of Late Ramugrah Tiwary Resident of Village-
 Ekhlaspur, P.S.- Mohania, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar
 2. The District Magistrate, Kaimur at Bhabhua
 3. The Deputy Development Commissioner, Kaimur at Bhabhua.
 4. The Land Acquisition Officer, Kaimur at Bhabhua.
 5. The Circle Officer, Mohania, Kaimur at Bhabhua.
 6. Draupadi Devi Wife of Ramashish Dubey, D/o Bikram Pandey Resident
 of Village- Baipur, P.S.- Karanda, District Gazipur (U.P) at present R/o
 Village-Mubarakpur, P.S. Mohania, District- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha
 For the State : Mr. Lala S.N. Rai, AC to GP 2
 For Respondent no. 6 : Mr. Akhileshwar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03 02.02.2017 Heard learned counsel for the petitioner as well as learned
 counsel appearing for respondent no. 6.

This petition has been filed for quashing the order dated
 3.7.2014 passed by the District Land Acquisition officer, Kaimur in
 Land Acquisition Case no. 48/2013-14 by which and whereunder he
 ordered not to make payment of compensation to the petitioner or any
 other person till disposal of title suit bearing Title Suit no.42/2004
 pending in the court of Subordinate Judge I, Bhabua.

It would appear from perusal of the record that revisional
 survey no. 398 measuring an area of 137 sq. meter, revisional survey
 no. 408 measuring an area of 101 sq. meter situated at village Dirikhili
 in the district of Kaimur stood in the name of Bikrama Pandey and



later on, part areas of the aforesaid plots were acquired in the year 2010. Petitioner claims for compensation on the ground of gift deed executed in her favour by original land holder, namely, Bikrama Pandey but respondent no. 6 made objection on the ground that so-called gift deed was forged and fabricated document. She further claims that Title Suit no.42/2004 was filed for declaration the aforesaid gift deed as null and void and she also claims her share in the aforesaid plot.

The dispute of the parties came before this court and this court while disposing of CWJC no. 8895/2010 directed the Land Acquisition officer to decide the dispute of the parties. Subsequently, Land Acquisition officer decided the issue and directed to make payment of compensation to the petitioner. The order of the Land Acquisition officer was challenged before this court in CWJC no. 9723/2011 which was disposed of by a coordinate bench of this court vide order dated 18.7.2012 directing the concerned authorities to make payment of compensation to the petitioner, if she gives an undertaking in the court signed by her heirs as witnesses that she or her heirs would return the money with interest to respondent no. 6 in case she loses in Title Suit no.42/2004 and in the light of direction issued by this court in CWJC no.9723/2011, the compensation amount was paid to the petitioner after furnishing undertaking before civil court. However, again the remaining part of the aforesaid plots were acquired and compensation amount was ordered to be paid to the petitioner but the respondent no. 6 again created hurdle by filing objection in grant of compensation to the petitioner and thereafter,



Land Acquisition officer by the impugned order dated 3.7.2014 directed the petitioner to return compensation amount and also issued letter to the concerned bank for compliance of order as compensation amount had already been credited in the account of the petitioner.

Learned counsel for the petitioner submits that earlier dispute of similar nature had already been decided by this court but again, respondent no. 6 has created problem and on the basis of issue raised by respondent no. 6, Land Acquisition officer passed the impugned order which is contrary to direction of this court.

Learned counsel appearing for the respondent no. 6 submits that the petitioner has claimed compensation amount on the ground of forged document which has been challenged before a competent court and matter is still sub-judice. So, in the above stated circumstance, half of the amount of compensation should be deposited in the account of respondent no. 6.

It is admitted position that earlier dispute of similar nature was brought before this court and this court directed the concerned authority to release the compensation amount in favour of the petitioner, if she gives undertaking before civil court to this effect that she would return the compensation amount with interest to respondent no. 6 in case she loses in Title Suit no.42/2004. In my view, when the aforesaid dispute has already been set at rest by a coordinate bench of this court, the Land Acquisition officer ought to have passed order in the light of direction issued by this court in CWJC no. 9723/2011 and, therefore, this writ petition is allowed. The impugned order dated 3.7.2014 passed by the Land Acquisition officer, Kaimur (Bhabua) in



Land Acquisition Case no. 48/2013-14 is set aside and it is ordered that if the petitioner gives undertaking of similar nature as given by her earlier in the light of direction given in CWJC no. 9723/2011, the compensation amount be released in favour of the petitioner.

Shahid

(Hemant Kumar Srivastava, J)

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