

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4897 of 2017

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1. Shri Kant Tiwary Son of late Bhrigunath Tiwary
2. Ram Ashish Tiwary Son of late Bhrigunath Tiwary
3. Most. Dewanti Devi wife of Late Bhrigunath Tiwary All Residents of
Village- Tiwaripur, Police Station- Buxar Industrial Area, District Buxar.
..... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of
Revenue, Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Additional Collector, Buxar.
4. Vijay Kumar Tiwary Son of late Paras Nath Tiwary All Residents of
Village- Tiwaripur, Police Station- Buxar Industrial Area, District Buxar.
5. Union of India through National Highways Authority of India, New
Delhi.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey
For the Respondent/s : Mr. Raj Kishore Roy-GP18
For the NHA : Mr. S. N. Pathak

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-02-2018

Heard both sides.

The petitioners, in this writ petition, seeks following

reliefs:-

“(i) Whether the petitioners are
entitled for the compensation amount in
accordance with the new Act of Land
Acquisition?

(ii) Whether the respondents
Government authority is entitled to pay the
compensation money after dividing it into the
petitioners and father of respondent No.5?

(iii) Whether the petitioners are
entitled for any other relief (s)?”

Admittedly the land of Khata No. 17, plot No. 45,



area 0.02 hectare situated in village Marwatia, district Buxar was acquired for widening of NH 84. According to the petitioners the land stands in the name of Bhrigunath Tiwary and after his death legal heirs of Bhrigunath Tiwary are entitled to get compensation.

It is submitted that respondent No.4 filed a partition suit claiming his share in Khata No. 17, plot No. 45 but the petitioners has also filed petition for payment of compensation and the same is pending before the Land Acquisition Officer.

Having heard the submission of the petitioners and the State, I find that in this writ petition apportionment of compensation amount among legal heirs of Bhrigunath Tiwary or any other person cannot be decided. Therefore, I dispose of this writ petition with a direction to Land Acquisition Officer to dispose of the petition of the petitioners on the basis of available records within four months from the date of receipt/ production of a copy of this order.

This writ petition stands disposed of accordingly.

(Prabhat Kumar Jha, J)

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