

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12578 of 2017

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1. Md. Nazir Hussain @ Nazir Hussain Son of Sattar Ansari Resident of Village-Bariyarpur, P.O.-Motihari, P.S. Chhatauni, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Motihari East Champaran.
2. The District Establishment, Deputy Collector, East Champaran, Motihari
3. The District Land Acquisition Officer, Motihari, East Champaran
4. Deputy Collector, Land Reforms, Motihari, East Champaran
5. The Circle Officer, Motihari, East Champaran
6. Sri Masjid Noor Mohammad Wakf Estate 1628 Resident of Village-Bariyarpur, P.S.-Chhatauni, District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III
For the Respondent/s : Mr. Raj Kishore Roy -Gp18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 19-04-2018

I. A. No. 8124 of 2017.

The learned counsel for the petitioner seeks permission to withdraw this interlocutory application.

Prayer is allowed.

This interlocutory application is dismissed as withdrawn.

CWJC No. 12578 of 2017

The petitioner has filed this writ petition for a direction to the respondents to quash the letter No.31 dated 14.01.2017 (Annexure-1) issued under the signature of Deputy Collector, (Establishment), East Champaran, Motihari by which he found that Shakil Ansari, Mutwali Waqf Board is entitled to get compensation.

The learned counsel for the petitioner submits that



Land Acquisition case No. 37/11-12 was initiated and the land was acquired. The award was prepared in the name of petitioner but respondent No.6 filed objection before the Collector. The Collector sent the matter to Deputy Collector (Estb.) for deciding as to who is entitled to get compensation between petitioner and respondent No.6. It is submitted that in view of provision as contained in Section 30 of Bihar Land Acquisition Act, 1894 if any dispute arises as to the apportionment of the compensation amount or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court but the Collector instead of referring the matter to the civil court referred the matter to the Deputy Collector, (Estb.) who is not competent authority under the Act to decide the dispute as to who is entitled to get compensation. Therefore, the order passed by the Deputy Collector, Establishment is without jurisdiction.

It is evident that respondent No.6 filed objection before the Collector and the Collector referred the matter to Deputy Collector, Establishment to decide the dispute with regard to the person who is entitled to get compensation. From perusal of the provision, as contained in Section 30 of Bihar Land Acquisition Act, 1894, it appears that Collector having received any such objection with regard to person who is entitled to get compensation, he may refer the matter to civil court having competent jurisdiction to decide the apportionment of the compensation amount and the person to whom it shall be paid. Therefore, the letter dated 14.01.2017 (Annexure-1) issued by the Deputy Collector, Establishment, deciding the dispute with regard to whom the compensation is to be paid, is without jurisdiction.



Accordingly, the same is set aside.

This writ petition is allowed with a direction to the Collector, East Champaran, Motihari to refer the matter to competent civil court.

(Prabhat Kumar Jha, J)

BKS/-

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