

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9076 of 2016

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Bakeshwar Singh Son of Guneshwar Singh, resident of village- Mahinathpur,
Anchal + P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna
2. The Union of India through Ministry of Home Affairs, Govt. of India, New Delhi
3. The Commandant 48th BN Indo Tibetan Border Police Force MHA Govt. of India, Sisia Camp P.O. Sisia Via Korha Katihar
4. The Collector, Katihar
5. The Additional Collector, Katihar
6. The Land Reforms Deputy Collector, Katihar
7. The District Land Acquisition Officer, Katihar
8. The Circle Officer, Korha, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish, Advocate
For Res. Nos.1 & 4 to 8	:	Mr. Fakhruddin Ali Ahmad, AC to AAG-12
For Res. Nos.2 & 3	:	Mr. Anshay Bahadur Mathur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-11-2018 Heard both sides.

The petitioner has filed this writ petition for a direction to the respondents including the District Land Acquisition Officer, Katihar for payment of compensation for the acquisition of the land of the petitioner.

The learned counsel for the petitioner submits that the land of the petitioner of Khata No.554, Khesra No.2112, Area 56 Decimals, situated in Mauza Sisia Mahinathpur, Anchal Korha, P.S. Korha, District Katihar was acquired for construction of ITBP Camp. The amount of compensation has



also been received by the District Land Acquisition Officer but the District Land Acquisition Officer is not paying the amount of compensation. Admittedly there is a dispute between the petitioner and other co-sharers-step brothers of the petitioner and the litigation for mutation of their names in the Record of Rights was going on. The Member Administrative, Bihar Land Tribunal, Patna in BLT Case No.164 of 2015 dismissed the petition of his step brothers and confirmed the order of the Additional Collector passed in Mutation Revision Case No.661 of 2001-02 by which the name of the petitioner has been mutated.

The learned counsel for the respondents submits that since there is a dispute between the petitioner and his step brothers with regard to the title of the land, the District Land Acquisition Officer deposited the compensation amount in the PD Account of the Treasury and unless the dispute with regard to entitlement of compensation is resolved by a competent civil court, the compensation cannot be paid to any of the parties.

Having considered the facts aforesaid, I dispose of this writ petition with a direction to the petitioner to file a petition before the Bihar Land Acquisition Officer for grant of compensation or apportionment of the amount of compensation.



If such petition is filed, the District Land Acquisition Officer, Katihar shall refer the matter either to the referral judge or before the Tribunal for deciding the question of apportionment of the compensation amount.

With the aforesaid observations, the writ petition stands disposed of.

(Prabhat Kumar Jha, J)

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