

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2768 of 2018

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Ranjit Singh, Son of Surya Narayan Singh, Resident of Village- Om Santi and Thakurbari Road, Araria, Ward No. 4, P.S. Araria (R.S.) District- Araria.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar.
2. The District Magistrate, Araria.
3. The Additional Collector, Araria.
4. The Executive Engineer, National Highways Authority of India, Araria.
5. The Assistant Engineer, National Highways Authority of India, Araria
6. Suman Kumar, Son of Sri Narayan Biswas.
7. Rajkrishan Kumar, Son of Indra Narayan Biswas.
8. Ramkrishan Kumar, Son of Indra Narayan Biswas.
9. Deepak Kumar Biswas, Son of Brij Narayan Biswas.
10. Kundan Kumar Biswas, Son of Brij Narayan Biswas.
11. Sumit Kumar Biswas, Son of Brij Narayan Biswas.
12. Anita Devi, Wife of Bhupdev Yadav.
13. Priyanka Devi, Wife of Arbind Yadav.
14. Kajal Devi, Wife of Birendra Mukhiya.
15. Ramkrishan Kumar, son of Indra Narayan Biswas.
16. Rajkrishan Kumar, son of Indra Narayan Biswas.
17. Deepak Kumar Biswas, Son of Brij Narayan Biswas.
18. Kundan Kumar Biswas, Son of Brij Narayan Biswas.
19. Sumit Kumar Biswas, Son of Brij Narayan Biswas.
20. Suman Kumar, Son of Sri Narayan Biswas.
21. Sonam Kumari, daughter of Narayan Biswas.
22. Sonam Kumari, daughter of Narayan Biswas. All Nos. 6 to 22 above are resident of Village- Baijnathpur, Ward No. 5, P.S.- Araria, District- Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Mishra with
Mrs. Tanuja Mishra, Advocates

For the Respondent/s : Mr. RISHI RAJ SINHA- SC19
Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 27-03-2018

Heard both sides.

The petitioner has filed this writ petition for a direction to



the Additional Collector, Araria not to make any payment to the respondent nos. 6 to 22 for acquisition of the lands of Khata No.156, Khesra No.429, 430 and 451, situated in Mouza-Bhag Mohabbat, Ward No.5, Anchal- Araria, District-Araria.

Learned counsel for the petitioner submits that the petitioner Ranjit Singh and Punya Nand Singh got the land by succession and the record of rights was prepared in the name of the petitioner and his brother. The aforesaid land was acquired by the Land Acquisition Officer for National Highway Authority and compensation is to be paid. The petitioner came to know that the respondent nos. 6 to 22 laid their claim on the land on the basis of a sale deed alleged to have been executed in the year 1960 by the petitioner and his brother. The petitioner filed Title Suit No.103 of 2011 for setting aside the sale deed and declaration that the sale deed is forged, fabricated and not executed by the petitioner and his brother, who were minors in the year 1960. The petitioner also filed petition before the Additional Collector, Araria that during the pendency of the title suit, the payment of compensation should not be made to respondent nos. 6 to 22. It is further submitted that the land has been acquired after *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* came into effect and in view of the provisions contained



therein, any dispute with regard to resettlement of compensation shall be decided by the Land Acquisition, Rehabilitation and Resettlement Authority.

Learned counsel for the State submits that let this writ petition be disposed of with a direction to the Additional Collector to dispose of the petition as contained in Annexure-4 filed before the Additional Collector and refer the matter to the authority in order to decide entitlement of the petitioner or respondent nos. 6 to 22.

Having considered the submissions of both the sides, I dispose of this writ petition with a direction to the Additional Collector that firstly decide the petition of the petitioner as contained in Annexure-4 and if it is needed, refer the matter to the authority to decide as to who is entitled to get compensation. The representation of the petitioner shall be disposed of within four months.

With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2018
Transmission Date	NA

