

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2177 of 2016

In

Civil Writ Jurisdiction Case No.20719 of 2010

Chandeshwar Prasad Singh Son of late Ram Pavitar Narayan Singh Resident
of Village Araji Sahbajpur. Po- Harauli. PS-Sadar Hajipur. Distt- Vaishali

... .. Appellant

Versus

1. The State of Bihar through the Chief Secretary. Govt. of Bihar. Patna
2. The Commissioner cum Secretary. Revenue & Land Reform Deptt. Govt. of Bihar Patna
3. The Collector cum Revenue officer. Vaishali
4. The Distt land Aquisition officer. Vaishali. Hajipur
5. Nand Kishore Singh Son of Gauri Shankar Singh resident of Vill- Ismailpur. PS- Sadar Hajipur. Distt- Vaishali

... .. Respondents

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 09-01-2018

Heard counsel for the appellant and counsel for the State.

The appeal has been preferred against the order dated 26.10.2016 passed by the learned single Judge who has dismissed the writ application of the appellant giving leeway to him that in case he succeeds in the civil Court in a pending partition suit or pending First Appeal and his right and title is declared over the piece and parcel of the land then he can still move before the Collector and claim compensation.



From the narration of facts it is evident that the compensation for the acquired land has accrued in favour of respondent No.5 for the reason that the piece and parcel of land was sold by a registered sale deed in his favour and, therefore, he was the titleholder when the compensation was awarded and made over.

The learned single Judge, therefore, has committed no infirmity in dismissing the writ application but giving a window of opportunity to the appellant to claim the compensation if his right, title and interest is declared by a competent civil Court.

Appeal has otherwise no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	10.01.2018
Transmission Date	N/A

