

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18545 of 2014

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1. Tala Moi Marandi W/O Late Raghu Manjhi Resident of Village-Santhyati Tola,
P.S. -Pirpanti, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhagalpur
3. The Land Acquisition Officer, Bhagalpur
4. Manjhli Manghian, W/O Durga Yadav, resident of village - Jhamar, P.S. -
Pirpanti, District -Bhagalpur.
5. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent No.4: Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the dispute is only with respect to the
apportionment or payment of the compensation amount of the
land which has been acquired by the State.

There is no dispute that the land which has been acquired,
the revenue record reflects the original land holder is Raghu
Manjhi having two wives, namely, Manjhli Manghian and Tala
Moi Marandi (petitioner). As per claim of the petitioner, after
divorce Manjhli Manghian married with one Durga Yadav and
started living with Durga Yadav as wife and husband, after death



of Raghu Manjhi now Manjhli Manghian respondent no.4 is claiming to be the first wife of Raghu Manjhi.

Learned counsel for respondent no.4 submits that story that has been narrated in the writ petition is completely incorrect. Although Manjhli Manghian was living with her husband and present petitioner is second wife of Raghu Manjhi and as such respondent no.4 is entitled to the compensation amount as present petitioner entered into the marriage illegally.

The State has filed its counter affidavit in which it has been stated that award no. 141 of Mauza Harinkol Part II was prepared in favour of Manik Hembrom and Hemlata Hembrom, both are daughters of late Raghu Manjhi and accordingly notice under section 12(2) of the Land Acquisition Act for payment of 80% of compensation amount to Rs. 2,70,60,559.68 is meant for distribution to the heirs.

Now it appears that there is dispute of apportionment as award has been prepared in favour of the daughters of late Raghu Manjhi and present petitioner and respondent no.4 are also claiming the share over the award amount.

In such view of the matter, in terms of Section 30 of the Land Acquisition Act, the matter be referred to the Land Acquisition Court for proper adjudication in the matter and in the



meantime no payment should be made to any person. While deciding the issue of apportionment the Land Acquisition Court will give notice to all interested parties including Manik Hembrom and Hemlata Hembrom as having been claimed in the counter affidavit that award has been prepared in their favour and payment will be made as per the apportionment decided by the Land Acquisition Court.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.2.2018
Transmission Date	NA

