

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22341 of 2014

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1. Smt. Mamta Jha W/o Sri Satyajiv Jha, resident of village - Parjaur, P.S. Ander, District - Madhubani, Presently residing at 36, Buddha Colony Main Road, P.S. Buddha Colony, Town & District - Patna
 2. Smt. Ridhi Kumari W/o Sri Ranjeet Kumar, resident of village Daudbigha, P.S. Hilsa, District- Nalanda presently at K - 149, Ranjeet Gift Corner, Hanuman Nagar Main Road, P.S. Patrakar Nagar, Town & District Patna
 3. Sri Vijay Sharma S/o Sri Badhu Sharma, resident of village - Ikil Dhordha, P.S. Makhdumpur, District - Jehanabad

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Govt. of Bihar, Patna
2. The Collector - cum - District Magistrate, Patna
3. The District Land Acquisition Officer, Patna
4. The Additional District Land Acquisition officer, Patna
5. The Circle officer, Sampatchak, District - Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Kishor Kumar Thakur
Mr. Rajeev Lochan, Advocates.

For the Respondents : Mr. Ajay Kumar Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioners as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs -

"I. For issuance of an appropriate writ in the nature of Certiorari, quashing and setting aside the reference made under Section 30 of the Land Acquisition Act in respect of claim of the petitioners vide Memo No. 396 dated 15.03.2012 as well as Memo No. 962 dated 28.06.2014.

II. For issuance of appropriate writ in the nature of Mandamus, commanding & directing the respondent



authorities specially the respondent no. 2 to decide the claim of the petitioners, strictly in accordance with the direction & observation of the Hon'ble Court and make payment of the compensation amount, as the case of the petitioners does not come within the ambit of reference to be made u/s 30 of the Land Acquisition Act.

III. For issuance of any other appropriate writ/writs, order/orders, direction/directions, for which the petitioner may be found entitled under the facts & circumstances of the case."

3. Learned counsel for the petitioners submits that the reference made under Section 30 of the Land Acquisition Act (hereinafter referred to as "the LA Act"), in the facts and circumstances of the case, is wholly arbitrary, considering that in the case of similarly situated other persons, notices have been issued by the Collector in relation to land bearing same khata number. It is submitted that the payment of the 80% compensation has been received by certain persons fraudulently and it is not a case of apportionment which would attract the provision of Section 30 the LA Act.

4. Learned counsel for the respondent, on the other hand, invites attention to the order dated 19.03.2012 passed in the earlier round of litigation in C.W.J.C. No. 3484 of 2012 wherein a categorical finding has been recorded that 80% of the estimated compensation has been paid to the petitioners which has been received by someone else. It is further pointed out that the petitioners



approached this Court with a contempt application which was however disposed of on the prayer of the petitioners indicating that if they were aggrieved with the action of the State authorities, they would avail appropriate remedy.

5. Having heard the parties, this Court is not inclined to interfere in the matter, particularly in view of the categorical finding that the compensation had been paid to the petitioners though received by someone else and which finding has been accepted by the petitioners.

6. The writ petition is accordingly disposed of with the expectation that the reference made under Section 30 of the LA Act would be disposed of by the learned Court expeditiously and in any event preferably within a period of six months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.03.2018
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