

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8096 of 2016

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1. Briendra Singh s/o late Chandrika Singh r/o Chikani P.S. Raxual Dist. E. Champaran Petitioner/s

Versus

1. The State of Bihar through District Magistrate Motihari
2. The District Magistrate Motihari E. Champaran
3. The Circle Officer Raxual
4. The Land Acquisition Officer Motihari E. Champaran
5. Sub Divisional Officer Raxual E. Champaran.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr. Ravi Kumar, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 01-05-2018

Heard both sides.

The petitioner has filed this writ petition for a direction to the respondents to pay compensation of the land of petitioner acquired by the respondents for S.S. B. camp.

The learned counsel for the petitioner submits that the land of Khata No. 30, Khesra No. 11 and 12 has been acquired. The land of Khesra No. 11 and 12 belongs to the family of the petitioner and they got the land in compromise decree. The petitioner got 4 katha 15 dhur of land and his two brothers also got share in the land. Braj Kishore Singh got compensation of Rs. 5,46,336/-. Dilip Kumar Singh has also got compensation for acquisition of 3 katha and 15 dhur of land but the petitioner did not get any compensation.

The respondents No.2 to 4 in paragraph 11 of the counter affidavit admitted that 0.62 acre of land of plot No. 12 was acquired but at the time of preparing Khesra Panji entire 0.62 acre of land was shown to be possessed by Bindhyachal Rao and, accordingly, plot No. 12 was mentioned in his name but he did not



produce any land possession certificate in respect of plot No. 12 and as such payment of compensation in respect of acquisition of land of plot No. 12 was not made to Bindhyachal Rao. Dilip Kumar Singh, brother of petitioner Birendra Singh, produced land possession certificate in respect of 23.5 decimal of land and accordingly he got compensation. Nobody produced land possession certificate with regard to remaining area, i.e., 38.5 decimal of plot No. 12 and, therefore, no compensation was paid to any other person on simple ground that no person filed any petition along with documents showing the land belongs to him.

Having considered the facts aforesaid, I dispose of this writ petition with a direction to the petitioner to file representation before the land acquisition authority within four weeks from today along with documents and evidence, if any, showing that he along with his brother got the land in compromise decree and he is in possession of some part of the land of plot No. 12, Khata No. 30 acquired for establishing S. S. B. camp and on such the authority shall dispose of the representation of the petitioner within two months thereafter. If the petitioner is found owner of the acquired land of plot No. 12, Khata No. 30, the authority shall pay compensation to the petitioner immediately thereafter.

Accordingly, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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