

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18944 of 2014

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Laxmi Narayan Singh Son of Late Tapeswar Singh Resident of 375, South
Nehru Nagar, P.S.- Rajiv Nagar, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Madhubani.
2. The District Land Acquisition Officer, Madhubani.
3. The Director (Land Acquisition), Department of Revenue and Land Reforms,
Government of Bihar, Patna.
4. The National Highways Authority of India Ministry of Road Transport and
Highways, G-5 & 6, Sector-10, Dwarka, New Delhi-110075.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramadhar Tiwari, Adv.
For the NHAI	:	Mr. S.N. Pathak, Adv.
For the State	:	Mr. Mujtabaul Haque, GP-12 Mr. Vasant Vikas, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 13-04-2018

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

In this case, the petitioner has claimed that he has not
been paid even the compensation amount of 3 decimal of land
amounting Rs. 76,167/-. Apart from that, he is also entitled to the
compensation amount of 38 decimal of land as the State has
acquired 41 decimal of land. The statement of the petitioner is
coroborated from the letter dated 21.8.2010 (Annexure-5) issued
by the District Land Acquisition Officer, Madhubani as well as
from the order of the Appellate Authority, Land Acquisition
Directorate, Patna dated 5.2.2008 from where it is apparent that 41
decimal of land of the petitioner has been acquired. It has further
been submitted by the learned counsel for the petitioner that



mischief has been played in inserting the name of certain imaginary persons in the column of beneficiaries for compensation deleting the name of the petitioner to be the person interested for compensation of the rest portion of the land. The petitioner has claimed that the proposed award for 3 decimal of land is very little to the land that has been acquired by the State.

These are the issues cannot be decided in the writ jurisdiction, it requires full-fledged enquiry by producing oral and documentary evidences. As per petitioner, with respect to certain land, name of fake person has been recorded. This cannot be verified in the present writ application.

In that view of the matter, this writ application is disposed of with a direction to the competent authority to refer the matter to the Arbitrator who will be obliged to make necessary enquiry by examining oral and documentary evidences after giving due notice to the interested parties and will take a decision in accordance with law.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.04.2018
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