

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15559 of 2016

1. Bikaram Pratihasta
2. Vikash Pratihasta Both are minors and being represented through Natural Guardian being father, Both son of Upendra Pratihasta Resident of Village- Kalyanpur, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Road Construction Department, Govt. of Bihar, Patna.
2. The Secretary Road Construction Department, Govt of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Land Acquisition Officer, District- Samastipur.
5. The Circle Officer, Bibhutipur, Dist- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For the Respondent/s : Mr. Rishi Raj Sinha- Sc19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-12-2018 I.A. No.4518 of 2018 is filed to implead Shankar Jha as respondent no.6 in the present writ petition. The petitioners being grandsons (Nati) of Shankar Jha and from whom the petitioners purchased the land. Accordingly, Shankar Jha is impleaded as respondent no.6 in the writ petition.

I.A. No.4518 of 2018 is allowed.

Heard both sides.

The petitioners have filed this writ petition for a direction to the respondent authorities particularly the District Land Acquisition Officer, Samastipur to pay the amount of compensation for the acquisition of land measuring 16 Dhors out of 1 Kattha 12 Dhors from Khesra No.5562 for widening



of State Highway No.88.

Learned counsel for the petitioners submits that the petitioners purchased 1 Kattha 12 Dhooors of land of Khata No.292 and 410 (old), Khesra No.3216, 3217 (old) New Khesra No.5562 from Shankar Jha. The Land Acquisition Officer initiated Land Acquisition Case No.64/2012-13/38/2015-16. The father of the petitioners appeared before the Land Acquisition Officer but the award prepared for acquisition of land of Plot No.5562 situated in Village Kalyanpur Bambaiya, Chak No.2, Thana No.8, Circle Bibhutipur was not paid to the father of the petitioners. The father of the petitioners also filed objection but the Land Acquisition Officer did not make payment of the compensation amount to the petitioners or their father. The State filed counter affidavit and made specific allegation that the award has already been prepared for acquisition of the land and notices were sent to the landlord. The father of the petitioners also appeared and filed objection on 01.12.2015 but since objection has not been decided, therefore, payment of amount of compensation is not made.

From the facts it appears that the petitioners claimed themselves to be the owner of the land of Plot No.5562 situated in Village Kalyanpur Bambaiya through a sale deed executed by



their maternal grandfather Shankar Jha. Notice was issued to the landlord. The maternal grandfather of the petitioners, namely, Shankar Jha appeared. Later on the father of the petitioners also appeared and filed objection. The objection of the father of the petitioners is still pending before the District Land Acquisition Officer. It is submitted that the lands have already been mutated in the name of the petitioners.

Taking into consideration the facts aforesaid, I find it appropriate to direct the petitioners to appear before the Land Acquisition Officer, Samastipur who in turn shall dispose of the objection filed by the petitioners/their father and if it is found that the petitioners owned the land of Plot No.5562, Area 1 Kattha 12 Dhoors out of which 16 Dhoors have been acquired, the Land Acquisition Officer shall make payment of compensation to the petitioners within four months from the date of filing of such petition.

With the direction aforesaid, the writ petition is allowed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

