

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1487 of 2017

In

Civil Writ Jurisdiction Case No.19735 of 2014

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1. Kurban Khan, Son of Late Safat Khan @ Janglee Khan
Resident of Vill-Sunderpur, P.S. Pirpainti, Distt. Bhagalpur.

... .. Respondent-Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Department, Bihar,
Patna.
3. The District Magistrate, Bhagalpur.
4. The District Land Acquisition Officer, Bhagalpur.
5. The Circle Officer, Pirpainti, Bhagalpur.

..... Respondents/ Respondents 1st Set.

6. Md. Khalikur Rahman Khan @ Khalikur Rahman, Son of Md. Kurban Khan,
R/o Village-Sunderpur, P.S. Pirpainti, Distt. Bhagalpur.

....Petitioner/Respondent 2nd Set.

7. Safikur Rahman, Son of Kurban Khan
8. Taufik Khan, Son of Kurban Khan
9. Raju Khan, Son of Kurban Khan
10. Karu Khan, Son of Kurban Khan
11. Lalu Khan, Son of Kurban Khan

Respondent Nos. 7 to 11, Resident of Vill-Sunderpur, P.S.
Pirpainti, Distt. Bhagalpur.

... .. Respondents – Respondent 3rd Set.

Appearance :

For the Appellant/s	:	Mr. Ansul, Advocate Mr. Uma Shankar Sharma Mr. Shiv Kumar Prabhakar, Advocate
For the Respondents-State	:	Mr. Asif Kalim, AC to AAG -12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-10-2018

1. Feeling aggrieved and dissatisfied with the impugned
judgment and order passed by the learned Single Judge dated
14.09.2017 passed in Civil Writ Jurisdiction Case No.19735 of



2014 by which the learned Single Judge has quashed and set aside the order dated 24.08.2014 passed by the District Land Acquisition Officer, Bhagalpur by which he decided the entitlement of the award amount in between the original writ petitioner and the private respondents and consequently directed the Land Acquisition Officer to refer the matter to the Court and the Court to decide the same as early as possible, the original private respondent No.6 has preferred the present Letters Patent Appeal.

2. Having heard the learned counsel appearing on behalf of the appellant-original private respondent no.6 and the learned counsel appearing on behalf of the State and considering the impugned order passed by the learned Single Judge and that there was a dispute with respect to entitlement/apportionment of the amount of compensation which could not have been decided by the District Land Acquisition Officer and in view of the dispute with respect to title and the apportionment, the matter was required to be referred to the Civil Court as per Section 30 of the Land Acquisition Act, the learned Single Judge has rightly quashed and set aside the order passed by the District Land Acquisition Officer by directing the Land Acquisition Officer to refer the matter to the Civil Court as per Section 30 of the Land Acquisition Act.



3. We are in complete agreement with the view taken by the learned Single Judge. The order passed by the learned Single Judge is absolutely in consonance of Section 30 of the land Acquisition Act. No interference of this Court is called for in exercise of intra-court appellate jurisdiction. Present Appeal deserves to be dismissed and is, accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.10.2018
Transmission Date	

