

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5558 of 2018

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1. Ramanuj Singh @ Sharma, S/o Late Umeshwar Singh @ Umesh Singh, R/o Vill.- Beladih, P.S.- Belaganj, District- Gaya, Bihar.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Deptt. of Road Transport and Highway New Delhi.
2. The National Highway Authority of India, Represented through the Project Director PIU, Gaya.
3. The State of Bihar, through the District Magistrate cum Collector, Gaya.
4. The District Land Acquisition Officer, Gaya.
5. The Circle Officer, Belaganj, District- Gaya.
6. Ramashish Sharma, son of Late Deoki Sharma, R/o Village-Turi, P.S. Main, District-Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Respondent/s : Mr. RISHI RAJ SINHA- SC19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner, learned counsel for the respondents-State and the learned counsel for the intervener-respondent.

The petitioner by filing this writ petition seeks direction to the respondents to make payment of compensation amount of Rs.5,60,36,672/- awarded in L.A. Case No.45 of 2013-14 in favour of Late Umeshwar Singh, the father of the petitioner as the objection of respondent No.6 had already been disposed of by order dated 20.01.2018 passed in L.A. Case No.45 of 2013-14.



Mr. J.S. Arora, learned senior counsel for the petitioner submits that the lands of different plots of Khata No.26 of the petitioner were acquired vide notification dated 05.06.2011. Jainandan Singh, ancestor of the petitioner had two sons, Nathu Singh and Kashi Singh. Nathu Singh had a son Bigan Singh and Bigan Singh got two sons namely Chitbahal Singh and Nakhid Singh. Chitbahal Singh had two sons namely Hardeo Singh and Brahmdeo Singh. Umeshwar Singh, the father of the petitioner was son of Brahmdeo Singh and Hardeo Singh got a daughter namely Shivpati Devi. The descendants of Nakhid Singh filed Partition Suit No.52 of 1992/2 of 1990. The suit was dismissed. Title Appeal No.13 of 2007 was also dismissed for non-prosecution but they filed objection before the Land Acquisition Officer claiming themselves to be the co-sharers of the acquired land. The Land Acquisition Authority has already decided the objection vide order dated 20.01.2018 passed in L.A. Case No.45 of 2013-14 but till date compensation has not been paid.

Learned counsel appearing on behalf of the respondent Nos.3 and 4, Land Acquisition Authority submits that the notification as well as declaration under Section 3A and 3D of the N.H.A.I. Act has already been published but some objectors filed objection during the course of preparation of award. The petitioner filed Mutation Case No.1164 of 2017-18 but the same was rejected by the Circle Officer,



Belaganj and petitioner filed Mutation Appeal No.4 of 2018-19 before the D.C.L.R., Gaya. There is a genuine grievance of apportionment of compensation amount and in this view of the fact compensation is not being paid to the petitioner with regard to the acquisition of land. The learned counsel for the respondents has submitted that there is a provision to hear the objection of the objector with regard to apportionment of the compensation amount and the objection of one of the objectors has been disposed of but other persons also objected.

Learned counsel for the intervener-respondent, who is the legal heirs of Shivpati Devi, submitted that a partition suit was filed by Shivpati Devi which was disposed of on compromise but the petitioner wanted to grab the share of all the co-sharers. The mother of the intervener-respondent also got share.

Having considered the facts aforesaid and the provisions as contained in Section 3D and 3H, there is a provision for apportionment of the compensation amount among the land holders. Ramanuj Sharma, respondent No.6 filed objection and the Land Acquisition Officer vide order dated 20.01.2018 disposed of the objection of Ramanuj Sharma but it appears that the objection of descendants of Shivpati Devi is still pending.

In this view of the fact, I direct the Land Acquisition officer to dispose of the objections, if any, filed by any of the objectors



claiming right, title and possession over the acquired land of Khata No.26 and others, if any, and prepare the award accordingly immediately thereafter and make payment of compensation amount to the land holders preferably within four months from the date of receipt of this order.

With this observation and direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

Saurabh/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	18.08.2018
Transmission Date	

