

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4551 of 2018

-
-
1. Shatrughan Prasad, Son of Late Rajeshwari Prasad @ Rajeshwari Singh @ Rajeshwari Prasad Singh,
 2. Ranju Kumari @ Krishna Kumari, Wife of Shatrughan Prasad,
Both are residents of Village- Kool, P.S.District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda.
3. The Land Acquisition Officer, Nalanda.
4. The Project Director Technical Project Execution Unit National Highway N.H. 82, Rajgir, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhanu Pratap Singh Mr. Amar Nath Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha- SC19 Mr. Akhilesh Kumar Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-04-2019 Heard learned counsel for the parties.

The petitioners are aggrieved by an order, dated 21.11.2017, passed by the District Land Acquisition Officer, Nalanda, whereby the claim of the petitioners for compensation, consequent upon acquisition of their lands, has been rejected.

The said order, dated 21.11.2017, has been passed in the light of an order of this Court, dated 16.08.2017, passed in C.W.J.C. No. 5330 of 2017, whereby the Land Acquisition Officer, Nalanda, was asked to consider their claim and take



appropriate decision. The Land Acquisition Officer, Nalanda, before rejecting the petitioners' claim, has recorded the finding that the land is of *gairmajarua malik khata* and has, thus, disputed the petitioners' title over the land, in question, which could have entitled them to receive the amount of compensation.

A counter affidavit has been filed on behalf of the respondent-State of Bihar, justifying the order of the Land Acquisition Officer, Nalanda.

Mr. Singh, learned counsel, appearing on behalf of the petitioners, has submitted that the Land Acquisition Officer has wrongly held that the petitioners did not have title over the land, which has been acquired under the law relating to acquisition of lands.

In my view, this Court, in a proceeding under Article 226 of the Constitution, cannot enter into such disputed questions of fact touching title of the petitioners over the land, in question. Such questions can be adjudicated upon, by a civil court of competent jurisdiction. Further, Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act'), gives the aggrieved persons a forum for determination of his claim by a competent authority. The petitioners can, therefore,



raise their claim under Section 64 of the Act, if they are in a position to make out a case that they have been wrongly denied the benefits arising out of the acquisition of their lands, in question.

This application is, accordingly, disposed of with the observation that the petitioners shall have the liberty to approach the appropriate forum/authority under the Act for redressal of their grievance(s).

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

