

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13772 of 2018

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Ravindra Mahto alias Ravindra Prasad, Son of Late Rameshwar Mahto, alias Rameshwar Prasad, resident of Village Ratanpura, P.O.- Bhanthauli, P.S.- Barun, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through Revenue Department Government of Bihar, Patna
2. The District Magistrate, Aurangabad.
3. The Land Acquisition Officer, Aurangabad.
4. The L.R.D.C. Aurangabad.
5. The Chairman of the Gail India Limited, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy -Gp18
For respondent no.5	:	Mr. Uday Bhan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 22-05-2019

Heard parties.

This writ application has been filed for a direction to the respondents authorities to pay the compensation amount of the acquired land of the petitioner which was acquired for shifting the pipeline of the Gail India Company.

It has been submitted that acquired land of the petitioner is residential in nature but respondents have paid compensation treating it to be agricultural land. It has further been submitted that petitioner has represented before the authority concerned to pay the compensation amount of his



acquired land but till date no decision has been taken upon his representation.

A counter affidavit has been filed on behalf of GAIL India Ltd., respondent no.5 in which it has been stated that the acquisition has been made under the provisions of Petroleum Mineral Pipelines (Acquisition of Rights of User in Land) Act, 1962. The ministry of petroleum, Government of India by its notification dated 12.7.2016 intended to acquire the right of use of lands of petitioner for laying the pipelines for Haldia-Jagdishpur gas pipe line project. The notice was issued on 27.03.2016 u/s 3(i) of the said Act which was communicated to all the affected land owners including petitioner but he did not appear before the competent authority and after following all procedures land of petitioner was acquired and notification dated 23.2.2017 was issued which was served upon petitioner also. The land of petitioner has been found to be agricultural land and not residential and project is on verge of completion.

Petitioner filed his objection before the wrong forum of Collector and D.C.L.R. who are not the competent authority to decide the objections filed by petitioner. The Award has already been prepared in the name of petitioner and amount has been credited in petitioner's account through R.T.G.S. If petitioner



has any grievances with respect to amount of Award, his remedy was to file a petition before the District Judge u/s 10 of the aforesaid Act which is the remedy available to petitioner as such present writ petition is not maintainable and fit to be dismissed.

In the facts and circumstances of the case, the petitioner is granted liberty to file a petition before the District Judge u/s 10 of aforesaid Act and raise his objection in said forum which is a statutory remedy available to him under the Act. If any such petition is filed before the District Judge by the petitioner, the District Judge may take into consideration while considering the delay in filing said petition the period in which the writ petition remained pending before High Court.

With such observation and direction, this writ petition stands disposed of.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2019
Transmission Date	NA

