

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7171 of 2015

Shankar Dayal Singh S/o Late Bishnu Bhagwan Singh Resident of Village Dharahara, Police Station Krishna Brahm, District Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Buxar.
3. The District Land Acquisition Officer, Buxar.
4. The Circle Officer, Dumraon at Buxar.
5. The Deputy Director, Consolidation, Bhojpur, Arrah.
6. Phul Kumari Devi W/o Lallan Singh Resident of Village Dubwal, P.O. Gaudarh, P.S. Shahpur, District Bhojpur at present residing at Village Dharahara, P.S. Krishna Brahm, District Buxar.
7. Jitani Devi W/o Ganesh Prasad Resident of Village and P.O. Bhadwar, P.S. Bagen Gola, District Buxar at present residing at Village Dharahara, P.S. Krishna Brahm, District Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.GP-30- Raju Giri

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-01-2019 Heard counsel for the parties.

The petitioner is seeking a direction to the respondents to set aside the order dated 27.12.2014, passed by the District Land Acquisition Officer, Buxar, whereby he has allowed payment of compensation against the acquisition of the land appertaining to Khata No.37, Khesra Nos.1627, 1628 and 1629 in Thana No. 200, for construction of NH-84, in favour of respondent nos. 6 and 7.

It is the case of the petitioner that he has exclusive right, title and interest over the land in



question, which has already been settled under the order of the Deputy Director Consolidation, Bhojpur, Ara in Misc. Case No. 4/2006-07.

This is not in dispute that the said respondent nos. 6 and 7 have been described as own sisters of the father of the petitioner in a consolidation proceeding, which has been brought on record by way of Annexure-1 series to the writ application. The dispute as to whether the said respondents are entitled for share in the disputed land, pertains to a question of title over the disputed land.

Learned counsel for the petitioner has submitted that the said respondent nos. 6 and 7 should be entitled for share only after partition in the family, which has not taken place.

This Court need not go into such dispute in the present writ proceeding. The petitioner has a remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, which he can invoke. The nature of dispute, which the petitioner is raising, cannot be gone into by this Court in the



present proceeding under Article 226 of the
Constitution of India.

This writ application is disposed of with the
observation, as above.

(Chakradhari Sharan Singh, J)

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