

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6085 of 2019

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Ram Kishore Prasad @ Kishore Prasad, Son of Aanandi Prasad @ Anandu Prasad @ Nand Prasad, resident of Village Saidanpur, P.O. and P.S. Hilsa, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Old Secretariat, Patna.
2. The Director, Land Acquisition, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif P.O. and P.S. Biharsarif, Distt- Nalanda.
4. District Land Acquisition Officer Nalanda at Biharsharif P.O. and P.S. Biharsarif, Distt- Nalanda.
5. Additional District Magistrate cum Arbitrator, Revenue Branch, Nalanda at Biharsharif, P.O. and P.S. Biharsharif, Dist- Nalanda.
6. The Executive Engineer Road Construction Division Hilsa, At- Hilsa, P.O. and P.S.- Hilsa, District- Nalanda.
7. Sub Divisional Officer Hilsa, At- Hilsa, P.O. and P.S. Hilsa, District- Nalanda.
8. Deputy Collector Land Revenue Hilsa, At- Hilsa, P.O. and P.S.- Hilsa, District- District- Nalanda.
9. Circle Officer Hilsa, At- Hilsa, P.O. and P.S.- Hilsa, District- District- Nalanda.
10. Sub Registrar Hilsa, At- Hilsa, P.O. and P.S.- Hilsa, District- District- Nalanda.
11. Chandra Shekhar Prasad Son of Late Badri Prasad Yadav Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.
12. Dinanath Prasad Son of Late Badri Prasad Yadav Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.
13. Ram Nandan Prasad Son of Late Badri Prasad Yadav Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.
14. Devnandan Prasad Son of Late Badri Prasad Yadav Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.
15. Ravishankar Prasad Son of Late Brijnandan Prasad @ Braj Nandan Prasad Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.
16. Shivshankar Prasad Son of Late Brijnandan Prasad @ Braj Nandan Prasad Resident of Village- Saidanpur, P.O. and P.S.- Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rudal Prasad
For the State	:	Mr. Sangha Mitra Ghosh, AC to GP 15



For the NHAI : Mr. S. N. Pathak

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-04-2019 Heard learned Counsel for the parties concerned.

The petitioner has a grievance that he was also entitled to receive proportionate amount of compensation determined on acquisition of a piece of land for construction of road by the Road Construction Department, appertaining to Thana No. 176, Khata No. 277 and 328, Plot No. 1602, ad-measuring 34 decimals, along with private respondent nos. 11 to 16. According to him, the petitioner is entitled, on the basis of his status in the joint family, to receive one-third of the said amount.

On perusal of the materials on record, I find that the said land has been acquired not under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; rather, the said land has been taken by the State Government on perpetual lease under the lease policy of the State Government. The High Court, under Article 226 of the Constitution of India, is not an appropriate forum for the petitioner to raise his grievance.

This application is disposed of with the only liberty to



the petitioner that he can raise his claim before the appropriate
forum in accordance with law.

Prabhakar Anand/- **(Chakradhari Sharan Singh, J.)**

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