

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4720 of 2017

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Murari Saran Upadhyay Son of Late Kedar Nath Upadhyay, all are Resident of
Village- Upadhyay Tola, P.S. Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary Land Reforms, Revenue
Department old Secretariat Patna.
2. The District Magistrate Nalanda.
3. The Land Acquisition Bihar Srif Nalanda.
4. The Circle Officer Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kishore Srivastava
For the Respondent/s	:	Mr. Sajid Salim Khan- SC-25
		Ms. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 31-01-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction to the respondents to pay compensation against acquisition of his land in accordance with the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

A counter affidavit and a supplementary counter affidavit have been filed on behalf of the respondent-State of Bihar.

The description of the land has been given in



paragraph 2 of the writ application, which reads thus:-

“Khata no.	Khesra no.	Area Dec.
73	604	21 dec.
73	526	10 dec.
73	549	11 dec.
73	555	12 dec.
73	592	12 dec.
73	558	06 dec.”

In the supplementary counter affidavit filed on behalf of the State of Bihar, it has been stated that the decision for award of compensation was taken on 24.08.2005 whereupon the petitioner was found entitled to a sum of Rs. 90,552.50/-. A notice was sent to the petitioner to receive the award but he did not turn up to receive the said amount. It has also been stated that in the event of non-receipt of compensation amount, the said amount has been deposited in the concerned civil court, Biharsharif, from where, the petitioner can receive the award. It has been stated in the counter affidavit filed on behalf of the State of Bihar that the petitioner, namely, Murari Sharan Upadhyay and others had filed Land Acquisition Case No. 08 of 2003 in the Court of learned Sub. Judge- 1st Biharsharif disputing the amount of compensation in connection with the said acquisition of land. The fact that the petitioner had filed an application before the learned Sub. Judge- 1st, has not been



stated in the writ application, which amounts to concealment of material fact.

Learned counsel for the petitioner is not in a position to inform this Court about the outcome of the said Land Acquisition Case No. 08 of 2003.

In such view of the matter, this application is disposed of with the only observation that the petitioner may take recourse to appropriate provisions of law for the grievance, which he is raising in the present writ application for payment of compensation amount against the acquisition of his land.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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