

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14683 of 2019

Madhusudan Kumar Singh S/o Late Dulari Saran Singh Vill.- Punpun Bajar
Dulari Niketan, P.O. and P.s.- Punpun, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Department of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Director Directorate of Land Acquisition, Govt. of Bihar, Patna
4. The Collector Patna
5. The District Land Acquisition Officer Patna
6. The Principal Secretary Department of Energy, Govt. of Bihar, Patna
7. The Managing Director South Bihar Power Supply Company, Govt. of Bihar, Vidyut Bhawan, Bailey Road, Patna
8. The Electrical Executive Engineer Masaurhi Distt.- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar Thakur
For the State	:	Mr.Raj Kishore Roy (GP-18)
For the SBPDCL	:	Mr. Akhileshwar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2019 Heard the learned counsel for the parties

This writ application has been filed seeking a declaration from this Court that the land acquisition proceeding bearing L.A. Case No. 24 of 1974-75 has either lapsed or denotified, in respect of a piece of land, bearing Plot No. 346, Khata No. 08, Thana No. 77 in the district of Patna, admeasuring 1.03 acre. In alternative, the petitioner is seeking a direction for payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

This writ application has been filed more than four decades after initiation of the land acquisition proceeding.



According to the petitioner, in the land acquisition proceeding the petitioner's grandfather was a party. It is not evident from writ application whether the petitioner's father or grandfather had raised any objection or had received or not received amount of compensation against the acquisition of the land. As a matter of fact, the petitioner himself is not sure as to whether the petitioner's father or grandfather had received any amount of compensation or not. He, in fact, had made an application under Right to Information Act to know whether any amount of compensation was paid in respect of the acquisition of the land, in question, or not. It is his case that he received an information from the district Land Acquisition Officer, Patna through Memo No. 419 dated 12.11.2014, indicating that the amount payable as compensation for acquisition of the land in L.A. Case No. 24 of 1974-75 was deposited in the treasure on 12.08.1979. It has further been indicated that a notice was issued to Jahar Singh, the grandfather of the petitioner, for producing the succession certificate, which was served on him on 19.02.1980, but since he failed to submit his succession certificate, no amount of compensation was paid to him.

Admittedly, the petitioner is relying on the said letter dated 12.11.2014 to make out as case that the compensation



amount has not been paid. The said letter indicates that it was because of the failure on the part of the grandfather of the petitioner to submit the succession certificate that the amount of compensation was not paid. The petitioner is also relying on a letter dated 05.09.2014, issued by the Public Information Officer, Directorate of Land Acquisition, whereby he has been intimated that in the absence of record the information sought for could not have been supplied to him. The said communication cannot improve the case of the petitioner.

I am not inclined to entertain this writ application filed nearly four decades after the land was acquired. It seems, the grandfather of the petitioner had failed to submit the succession certificate so as to claim compensation.

In such background, the relief sought for in the present writ application cannot be granted. This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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