

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18450 of 2019

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Ghano Devi Wife of Dharmendra Yadav Resident of Village Khorampur,
Police Station-Hilsa, District-Nalanda at present village-Milki Par, P.O.
Keshopur, Police Station-Hilsa, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
2. The Executive Engineer Road Construction Department, Road Division, Hilsa, Nalanda
3. The District Magistrate Nalanda at Biharsharif
4. The Sub-Divisional Officer Hilsa, Nalanda
5. The Land Reforms Deputy Collector Hilsa, Nalanda
6. The Circle Officer Hilsa, Nalanda
7. Mahesh Prasad Son of Ram Prit Prasad Resident of Kusaita, Police Station-Hilsa, District-Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP22

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-09-2019 Heard both sides.

The petitioner filed this writ petition for following
reliefs:-

(i) For issuance of a writ in the nature of mandamus
commanding and directing the respondents to pay the
compensation amount for the land acquired by the respondent
State for construction of Road (Bypass, State Highway Patna to
Islampur)

(ii) For issuance of an appropriate writ, order or



direction commanding and directing the respondent No.7 to return the compensation amount to the petitioner which was illegally received by him.

Admittedly one Ram Nandan Prasad got four daughters, namely, Akali Devi, Sukhiya Devi @ Fuljhariya Devi, Kiran Devi and Ghano Devi (petitioner). After death of Ram Nandan Prasad the ancestral property was partitioned among four sisters on a non judicial stamp and, accordingly, names of the petitioners and others were mutated. Fuljhariya Devi @ Sukhiya Devi sold 2.39 decimal of land to one Devendra Kumar vide sale deed No. 9243 and thereafter Kiran Devi and Akali Devi sold 2.5 decimals of land vide sale deed No. 7241 dated 01.12.2011 to one Mahesh Prasad and Mahesh Prasad fraudulently received cheque for compensation amount of Rs. 17, 45, 625/- fixed for acquisition of land. The petitioner claims that she is entitled to get compensation on account of acquisition of land.

From bare perusal of Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, it appears that if any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority,



as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the appointment of the compensation among the persons interested.

The petitioner has not filed any petition before the Land Acquisition Authority with regard to apportionment of the compensation amount claiming that petitioner is also entitled to get compensation nor raised any objection as to whom the compensation is payable.

This court in writ jurisdiction cannot decide the claim of the petitioner and, therefore, I do not find any merit in this writ petition and the same is, accordingly, dismissed with liberty to the petitioner to file appropriate petition under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 before the Land Acquisition Authority who shall decide the same in accordance with law.

(Prabhat Kumar Jha, J)

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