

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9497 of 2013

Prabhawati Devi Wife Of Naresh Singh Yadav Resident Of Village And Post-
Telhara, Police Station Telhara, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Govt. Of Bihar, Patna
2. The District Magistrate, Nalanda, Biharsharif
3. The Sub Divisional Officer, Hilsa, Nalanda
4. The D.C.L.R. Hilsa, Nalanda
5. The Circle Officer, Ekangarsarai, Nalanda
6. The Chief Engineer, B.S.P.H.C.L. Patna
7. The Electrical Superintending Engineer, Electric Supply Circle, Nalanda Biharsharif

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ramchandra Singh, Advocate Mr. Jitendra Kumar Singh, Advocate Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr.Lal Bahadur Singh, Advocate Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 18-04-2019 Heard learned counsel for the petitioner, State and

the counsel appearing on behalf of the South Power

Distribution Company Ltd.

2. Mr. Vinay Kirti Singh, learned senior counsel
appearing on behalf of respondent nos. 6 and 7 submits that land
in question was transferred to the Power Holding Company by
the State of Bihar as Gairmazurwa Malik Anawad, Bihar Sarkar
and as such the Company is not liable to pay any compensation



as it has been transferred by the State of Bihar as Anawad Gairmazurwa Malik.

3. Learned counsel appearing on behalf of the State submits that the dispute as to the title cannot be decided in the present proceeding and as such the claim of the petitioner for grant of compensation for acquisition of land is unsustainable.

4. Learned counsel for the petitioner would submit that the material available on record would indicate that it is land of the petitioner. He submits that before vesting land in question was transferred in favour of the Ram Pukari Devi and after vesting Zamindar has filed return showing transfer in favour of Ram Pukari Devi. From Ram Pukari Devi, Indradev Singh has purchased the land and from Indradev Singh, the present petitioner has acquired right title and interest by way of sale-deed and as such petitioner has become owner of the land and the land in question is Raiyati land and not Gairmazurwa Malik Anawad.

5. Learned counsel appearing on behalf of the State submits that dispute as to the title cannot be decided in the present proceeding and as such the claim of the petitioner for grant of compensation for acquisition of land is unsustainable.

6. It is an admitted fact that the petitioner has not



made any application for mutation. He claimed that land was purchased in 1985 though there is no document of mutation or issuance of rent receipt after purchase of land in 1985.

7. Considering the rival contention of the parties, the Court is not inclined to grant any positive relief to the petitioner. However, liberty shall be available to the petitioner to approach the District Magistrate, Nalanda by way of filing exhaustive representation indicating therein the materials to show that the land in question is Raiyati land.

8. In the event such application is filed by the petitioner, the Collector shall cause an enquiry into the claim of the petitioner and if it is found that the land in question is Raiyati land of the petitioner, he shall take steps for payment of compensation for use of the land.

9. In the event, the decision of the Collector goes against the petitioner, liberty shall be available to the petitioner to approach the competent Civil Court for declaration of title.

10. With the aforesaid observation, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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