

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24176 of 2019

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Shatrudhan Prasad Singh @ Shatrudhan Singh S/o late Bhup Narayan Singh
resident of Village- Sihaul, Ward No. 11, Anchal- Sattar Kataiya, P.S.
Panchgachiya, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Kosi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The Additional Collector, Saharsa.
5. The District Land Acquisition Officer, Saharsa.
6. The D.C.L.R. Saharsa.
7. The Chief Manager, Power Grid Corporation of India Limited, Patna, Having his office Power Grid RHQER-I, Shastri Nagar, Patna.
8. The Area Manager, Power Grid Mithlanchal Transmission Limited, ER-I/ ERSS- XXI/ T.B.C.B/ Saharsa.
9. The Circle Officer, Sattar Kaitaiya, District- Saharsa.
10. Aasha Devi W/o Jay Prakash Thakur Resident of Village- Sihaul, P.S.- Bihra, Dist.- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shekhar Kumar Singh
For the Respondent/s	:	Mr.Raj Kishore Roy (GP18)
For the Power Grid Corp.:		Mr. Suraj Samdarshi
		Mr. Avinash Shekhar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-12-2019 Heard Mr. Shekhar Kumar Singh, learned counsel

appearing on behalf of the petitioner, learned counsel for the

State and learned counsel for the Power Grid Corporation Ltd..

The petitioner in this writ petition seeks direction to

the respondents to pay the entire compensation amount to the

petitioner for acquisition of his land bearing Plot No.5579,

Khata No.815 area 9 kathas 4 dhurs 8 dhurki for construction of



Power Grid Mithlanchal Transmission Limited.

Learned counsel for the petitioner submits that the notification issued for acquisition of the land shows that the land of Plot No.5579, Khata No.815 stands in the name of Jairam Singh, Biranchi Singh and Uchit Singh, sons of Bodhi Singh and others of village-Sihaul. Later on, Jamabandi was created in the name of Bhup Narayan Singh, son of Jairam Singh as the land fell in the share of Bhup Narayan Singh. Petitioner is the son of Bhup Narayan Singh but later on, respondent No.10, Aasha Devi filed petition along with the rent receipts and claimed that she is the owner of the land of Khata No.815. It is further submitted that amount of compensation has already been paid to the respondent No.10. The petitioner filed petition before the Circle Officer, Sattar, Kataiya for enquiry with regard to the illegal mutation of the name of respondent No.10. The Circle Officer also found that Jamabandi was illegally opened in the name of respondent No.10 by virtue of a sale deed executed by one Mahendra Jha but the land was not standing in the name of Mahendra Jha.

From the facts, I find that petitioner should have filed a petition before the Collector/Land Acquisition Authority for deciding the question as to who is the person entitled to get



compensation. If any objection is raised with regard to the rate of compensation, amount of compensation, apportionment of compensation and entitlement of compensation, the Collector under the Act is bound to refer the matter to the authority constituted under the Act who shall take decision on the points of rate of compensation, amount of compensation, apportionment of compensation and entitlement of a person to receive the compensation. This Court in writ jurisdiction cannot make enquiry with regard to entitlement of the petitioner or respondent No.10. Accordingly, I dispose of this writ petition with a direction to the petitioner to file petition before the Land Acquisition Officer raising objection with regard to entitlement to receive the compensation who shall refer the matter to the authority constituted under the Act and the authority shall decide the question of entitlement of a person to receive the compensation within six months from the date of receipt of this order.

With the aforesaid observation, this writ petition is disposed of.

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(Prabhat Kumar Jha, J)

