

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22876 of 2019

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Goverdhan Pujari alias Goverdhan Lal Pujari Son of late Sita Ram Sao,
Resident of Harding Road, P.S. Sachivalaya, District- Patna-1

... .. Petitioner/s

Versus

Union of India through the Principal General Manager Telephone Bhawan, R
Block, P.S. Sachivalaya, Town and District- Patna-1

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Goverdhan Lal Pujari (In Person)
For the Respondent/s : Mr. S.D. Sanjay (Addl. S.G.)
Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-11-2019 Heard both sides.

The petitioner filed this writ petition for a direction to the respondents to make payment of illegal damage of Rs. 80,00000/- and also compensation to the petitioner after calculating the same in view of provision of new Land Acquisition Act.

The petitioner submits that earlier he filed Title Suit No. 172 of 1997 and the suit was decreed. Even then the respondents demolished the construction over the land of plot No. 1217, Khata No. 282, area 29 decimals but no proceeding for acquisition of the land was taken up nor any compensation was paid to the petitioner.

Having considered the submissions and on perusal of the records, it appears that brother of the petitioner filed CWJC No. 10450 of 2010 and this court by order dated 04.03.2011 directed the Collector to hold enquiry and take decision on the claim of the writ petitioner (Annexure-3). The writ petitioner filed MJC No. 4944 of 2011 and the same was dismissed



holding that legality and propriety of the order passed by the Collector (Annexure-5) in pursuance of the order passed by this court in CWJC No. 10450 of 2010 cannot be looked into. It appears from the order of the Collector (Annexure-5) that after hearing the writ petitioner his claim was rejected and the writ petitioner did not file any appeal or resort to any appropriate remedy against the order of the Collector and his brother, the petitioner, filed this writ petition only for direction to the respondents to pay compensation of Rs. 80 lacs. Once the claim has already been rejected by the Collector and the writ petitioner did not move before any authority against the order passed by the Collector, this court cannot direct the Collector to pay compensation amount to the petitioner for the land on which his claim has been rejected.

Having considered the facts aforesaid, I do not find any merit in this writ petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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