

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23730 of 2019

Mithila Sharan Singh, S/o Late Ramchandra Prasad Singh, Resident of Village-Khaprail Chak, P.S.-Parsa Bazar, P.O.-Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Revenue Department, Govt. of Bihar.
2. The Collector of the District Patna, at Patna.
3. The Competent Authority cum District Land Acquisition Officer, Patna.
4. The General Manager (Coordinator) and Director (Public Grievance), National Highway Authority of India, G-5 and 6, Sector-10, Dwarka Delhi, Pin-110075.
5. The Dy. General Manager (Coordinator), National Highway Authority of India, G-5 and 6, Sector-10, Dwarka Delhi, Pin-110075.
6. The General Manager (T) and RO, National Highway Authority of India, Patna Bihar, House No. D-63 Sri Krishna Puri, Patna-800001, Bihar.
7. The Project Director, Expansion Work of NH 83, (Patna-Gaya-Dovi), National Highways Authority of India, D-63 Sri Krishna Puri, Patna-800 001, Bihar.
8. The Union of India through Secretary Ministry of Road Transport and Highways, Govt. of India, New Delhi.
9. The National Highways Authority of India, Project Implementation Unit - Gaya, House No. 17/244, Opposite Judicial Quarter, Chanakyapuri Colony, Gaya, Pin-823001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Dr. Anshuman
For the Respondent/s	:	Mr.Md. Khurasid Alam (AAG12)
For the N.H.A.I.	:	Mr. Anshay Bahadur Mathur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-12-2019 Heard both sides.

Land Acquisition Officer was directed to be present in
Court on 17.12.2019 at 10.30 A.M. but this case was not listed
yesterday i.e. 17.12.2019.



Learned counsel for the State submits that the record is with the petitioner and, therefore, Land Acquisition Authority could not come to Court today on account of some otherwise engagement. A counter-affidavit is filed on behalf of the State.

Learned counsel for the petitioner also filed a supplementary affidavit. The claim of the petitioner that the Plot No.117 of Khata No.123 was allotted in the share of the father of the petitioner vide Title Partition Suit No.28 of 1974 but it appears that Mahendra Singh raised objection with regard to the title of the petitioner on Plot No.117 of Khata No.123 and the same land was also included in the Schedule of the plaint of Title Suit No.15 of 2004. On the petition of Mahendra Singh that a title suit being Title Suit No.15 of 2004 filed by him for declaration of title on the lands including Plot No.117 of Khata No.123, is pending in the Court of Civil Judge(Sr. Div.), Patna before the Land Acquisition Authority, Patna and in view of the provisions as contained in Section 64 of the Act No.30 of 2013, the District Land Acquisition Authority referred the matter to the Principal Civil Judge, Patna for deciding the matter with regard to the entitlement of the petitioner and Mahendra Singh with regard to receiving compensation.

In this view of the fact, I dispose of this writ petition



with a direction to the petitioner to move before the Authority for decision of the case and on such, the Authority under the Act shall dispose of the petition of the petitioner in accordance with law preferably within six months from the date of receipt of this order.

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

(Prabhat Kumar Jha, J)

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