

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4615 of 2020

1. Usha Kunwar alias Usha Devi Kunwar, aged about 56 years, Female, Wife of Late Satendra Prasad Verma @ Satendra Verma, Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.
2. Vinod Kumar Verma, aged about 38 years, Male, Son of Late Satendra Prasad Verma @ Satendra Verma Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.
3. Sumit Kumar Verma, aged about 36 years, Male, Son of Late Satendra Prasad Verma @ Satendra Verma Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.
4. Soni Kumari, aged about 32 years, Female, D/o Late Satendra Prasad Verma @ Satendra Verma Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.
5. Saroj Devi, aged about 60 years, Female, Wife of Nand Kumar Singh Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
2. The Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
4. The Collector, Bhojpur at Ara.
5. The District Land Acquisition Officer, Bhojpur at Ara.
6. The Additional Collector, Bhojpur at Ara.
7. The Deputy Collector Land Reforms, Bhojpur at Ara.
8. The Circle Officer, Bhojpur at Ara.
9. Asha Devi, Wife of Yogendra Prasad Verma, Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.
10. Yogendra Prasad Verma, Son of Late Radha Kishun Verma, Resident of Village- Singhikala, P.O. and P.S.- Ara Town, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Ashok Kumar, Advocate Mr. Niraj Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.C.19 Mr. Saurabh Kumar, A.C. to S.C.19
For N.H.A.I.	:	Mr. Shri Nath Pathak, S.C., NHAI

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER



2 06-03-2020 Heard both sides.

The petitioners in this writ petition in sum and substance seek quashing of two notices for acquisition of lands vide Land Acquisition Case No.44/2010-11. The petitioners further seek direction to the Land Acquisition Authority not to make payment of compensation to the respondents and pray for further direction restraining the mutation authority not to mutate the names of the respondents.

Learned counsel for the petitioners submits that the respondents no.9 and 10 claim the land to be their own on the basis of the Will. Respondents No.9 and 10 filed probate being Probate Case No.82/2010. The learned Additional District Judge-VI, Bhojpur at Ara probated the Will and against the order of probate, the petitioners filed First Appeal being F.A. No.154 of 2018, which is pending in this Court. On the basis of such respondents no.9 and 10 filed petition before the Land Acquisition Authority for payment of compensation amount. The respondents no.9 and 10 also filed petition before the Circle Officer for mutating their names on the basis of the order passed in Probate Case No.82/2010. It is submitted that a direction be issued not to pay compensation to the respondents no.9 and 10 and also the Circle Officer be directed not to mutate the names of respondents no.9 and 10 during the pendency of the First Appeal.



From the facts and after hearing the submissions, I find that the petitioners firstly without approaching the Land Acquisition Authority as well as the Circle Officer for not making payment to respondents no.9 and 10 and not to mutate the names of respondents no.9 and 10 filed this writ petition. There is a provision under the Land Acquisition Act that if any dispute arises with regard to apportionment of compensation amount, the Land Acquisition Authority shall refer the matter to the Authority under the Act and till the dispute is resolved by the competent authority, payment of compensation should not be made. Similarly, there is a provision under Section 6, sub-clause (12) of the Mutation Act, 2011 that the mutating authority shall not mutate the name of a person with regard to a holding or a part of the holding if any suit is pending.

Thus, having considered the facts, I find no merit in this writ petition. Accordingly, the same is dismissed with liberty to the petitioners to file petition before the appropriate authority for redressal of their grievance.

Resutantly the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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