

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.125 of 2020

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1. Mojib Khan, aged about 40 years, male, son of late Siraj Khan, resident of village- Pirpaiti Bazar, P.S.- Pirpaiti, District- Bhagalpur.
 2. Mokim Khan, aged about 67 years, male, son of late Siraj Khan, resident of village- Pirpaiti Bazar, P.S.- Pirpaiti, District- Bhagalpur.
 3. Mahmud Khan, aged about 65 years, male, son of late Siraj Khan, resident of village- Pirpaiti Bazar, P.S.- Pirpaiti, District- Bhagalpur.
 4. Saimud Khan, aged about 55 years, male, son of late Siraj Khan, resident of village- Pirpaiti Bazar, P.S.- Pirpaiti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Bhagalpur, District- Bhagalpur.
3. The Land Acquisition Officer, Bhagalpur, District- Bhagalpur.
4. The Sub - Divisional Officer, Pirpaiti, District Bhagalpur.
5. The Circle Officer, Pirpaiti, P.S. Pirpaiti, District Bhagalpur.
6. Most. Bibi Sabroon, W/o Late Nurul Hussain, resident of village- Talabpur, P.O. and P.S.- Jagdishpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushanta Kumar Das
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-01-2020 Heard both sides.

The petitioners assailed the order dated 05.09.2019, passed by the District Land Acquisition Authority, Bhagalpur by which on petition of Bibi Sabroon that she is also entitled to get compensation on the ground that she is the legal heir of late Siraj Khan, the Collector sent the record to the competent authority under the Act to decide the question of apportionment of amount of compensation amongst the legal heirs of the land



owner.

Learned counsel for the petitioners submits that earlier Most. Bibi Sabroon filed CWJC No.15135 of 2015 and a Bench of this Court by order dated 05.10.2015 directed the Collector under the Act to consider the petition of the petitioner, Most. Bibi Sabroon and decide the same in accordance with law but the Collector did not hear the petitioners in whose name the award was prepared.

From perusal of the order impugned, it appears that the award was prepared in the name of the petitioners and 80% of the award money was paid to the petitioners. The remaining 20% was lying due for payment to the land owner but Most. Bibi Sabroon filed petition raising objection and claimed that she is also entitled to get apportionment of the compensation amount on the ground that she is the legal heir of the original landlord. The matter relates to apportionment of the compensation amount for acquisition of the land and there is a provision under Section 64 of the Land Acquisition Act, 2013 that if any objection is raised with regard to apportionment of the amount of compensation, the Land Acquisition Authority shall refer the matter to the authority under the Act and the District Land Acquisition Authority has rightly referred the



matter to the authority under the Act.

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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