

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2831 of 2020

Binod Singh Son of Late Mosafir Singh Resident of Village- Beladih, Police Station- Belaganj, District- Gaya, at present at Mohalla- Vishweshraiya Nagar, Police Station- Rupaspur, New Bailey Road, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Principal Secretary, Department of Road Transport and Highway, New Delhi.
2. The National Highway Authority of India Represented through the Project Director PIU, Gaya.
3. The State of Bihar through the District Magistrate-cum-Collector, Gaya, District- Gaya.
4. The District Land Acquisition Officer, Gaya, District- Gaya.
5. The Circle Officer, Belaganj, District- Gaya.
6. Ramanuj Singh Son of Late Umeshwar Singh Resident of Village- Beladih, Police Station- Belaganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar
For the Respondent/s	:	Mr. Abhay Kumar Kashyap A.C to (Gp18)
For the NHAI	:	Mr. Anshay Bahadur Mathur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-02-2020 Heard both sides.

The petitioner has filed writ petition to quash the order dated 22.02.2019 passed by the Land Acquisition Officer, Gaya (Respondent No. 4) in Land Acquisition Case No. 45 of 2013-14 by which the Land Acquisition Officer dismissed the petition dated 15.12.2018 filed by the petitioner as a Manager/Karta of the joint undivided family for preparing award with regard to the plot no. 1452, 1482 and 1572 in the name of the petitioner.

From the order of the Land Acquisition Officer, Gaya, it appears that Partition Suit 7/1971 and Probate Case No. 29 of



2018 with regard to plot no. 1452, 1482 and 1572 are pending before the competent Court. The Land Acquisition Officer held that in view of the provision as contained in Section 3H(4) of the NHAI Act if there is any dispute with regard to the apportionment of the compensation amount the authority shall refer the dispute to the decision of the principal Civil Court of original jurisdiction within the jurisdiction of which the land is situated but since the Partition Suit and Probate Case are pending the Land Acquisition Officer only dismissed the petition holding that till the pendency of the Partition Suit and the Probate Case no order can be passed on the apportionment of the compensation amount. Thus, I find that the Land Acquisition Officer has rightly dismissed the petition of petitioner for preparation of award in his name during the pendency of Partition Suit/Title Appeal and Probate Case.

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

(Prabhat Kumar Jha, J)

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