

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8724 of 2017

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Dinesh Sah Son of Lakkar Sah, resident of Village- Baluaha, P.S.- Mahishi,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Collector, Saharsa.
4. The Sub- Divisional Officer, Saharsa.
5. The Circle Officer, Circle Mahishi, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-11-2023 This writ petition has been filed for directing the concerned respondent(s) for taking steps towards releasing compensation amount to the petitioner for his land bearing Old Khata No. 95, New Khata No, 477, Khesara No. 1433, Khesara New 2984, area 3 decimals out of 6 decimals land in Mauza- Khirho, Thana No. 103, P.S. and Anchal Mahishi, Saharsa acquired District- for Baluaha Mahasetu by Land Acquisition Department, Saharsa, State of Bihar.

2. The factual matrix giving rise to the present writ application is that the land in question is Khatiyani land of the petitioner and was purchased by great grand father of petitioner namely Kundan Sah through registered sale-deed no. 1127 dated



28.03.1925. Thereafter, the father of the petitioner was paying revenue / rent for aforesaid land, vide receipt no. 820200 dated 15.02.17. Theafter, the Circle Officer, Mahishi also issued a Land Owner Certificate on 27.03.2017 in the name of father of the petitioner Lakkar Sah. Petitioner represented before the concerned authority several times for release of the aforesaid compensation amount in favour of the petitioner, but till date, no step was taken by the respondents authorities in this regard.

3. Learned counsel for the State contends that after preparing Award, one Ganga Sah son of late Laxman Sah filed objection on the basis of purchasing of land in dispute area 01 Kattha 03 dhurs jointly with his brothers from one Mina Devi wife of Subhak Sah vide registered deed no. 12786 dated 31.8.1994. The said Ganga Sah also mentioned in his objection regarding pending of title suit, Title Suit No. 112/2017 in the court of Sub-Judge-1 in respect of said land in dispute. The District Land Acquisition Officer, Saharsa issued notice to the petitioner and the said Ganga Sah. After hearing, the District Land Acquisition Officer, Saharsa found that there is title dispute between the petitioner and Ganga Sah relating to the land in question and hence referred the matter to the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement



Authority, Saharsa constituted under the Act vide letter 678-2 dated 10.10.2020 with copy to Lakkar Sah the father of the petitioner and Ganga Sah.

4. In this case, right, title and interest over the land in question is sub-judice in Title Suit No. 112/2017 which is pending in the Court of Sub-Judge – I, Saharsa. Till the disposal of the aforesaid case, no order for payment of the compensation can be passed by this Court in its writ jurisdiction.

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

(Prabhat Kumar Singh, J)

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