

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2745 of 2023

1. Ram Nath Sah son of Late Banarsi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
2. Lal Bahadur Sah, son of Late Banarsi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
3. Shankar Sah, son of Late Banarsi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
4. Bhagirath Sah, son of Late Banarsi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, District- Samastipur.
4. The District Land Acquisition Officer, District- Samastipur.
5. The Circle Officer, Tajpur, District- Samastipur.
6. Neklal Sah, son of Late Lakshami Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
7. Shyam Babu, son of Asharfi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
8. Jagdish Prasad Sah, son of Ramlal Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
9. Ram Sogarath, son of Late Lakshami Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
10. Dilip Sah, son of Late Lakshami Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
11. Naresh Sah, son of Shatrughan Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
12. Ashok Sah, son of Bhuwaneshwar Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
13. Jay Kishun Sah, son of Late Yadu Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
14. Urmila Devi, wife of Mahesi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
15. Mahoriya Devi, wife of Darogi Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.
16. Baleshwar Sah, son of Faku Sah, resident of Village and Post Office- Rahimabad, Via- Tajpur, Police Station- Bangara, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)
	:	Mr. Wasi Ahmad Khan, AC to SC-25
For the NHAI	:	Mr. S.N. Pathak, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondents to recover the illegal amount received by respondent-II and set and further to direct to pay the share of petitioners with interest according to law in relation to L.A. Case No. 11 of 2020-21.

3. Counsel for the petitioner submits that the petitioners' land were acquired for Bharat Mala Project (National Highways No. 199D) Hazipur to Darbhanga 2 Lane/4 Lane Road.

4. Counsel submits that the petitioners are zamabandi raiyat and land in question belongs to their ancestors. Counsel submits that the L.P.C. has been issued in the name of petitioners and also attached the Genealogical Table in this writ petition. Counsel submits that respondent No. 14 and 15 have illegally withdrawn the compensation amount passed in L.A. Case No. 11 of 2020-21 but did not pay the share to the

petitioners.

5. Counsel for the State submits that the petitioners are not entitled for any relief by this Court due to the reason that they themselves given no objection to respondent IInd set to receive the compensation amount. His representation to the Land Acquisition Officer also indicates that only with the consent of the petitioners, the amount has been received by the respondents but dispute has arisen between them later on.

6. In the present facts and circumstances, it transpires to this Court that once compensation amount has been received with consent of the petitioners by respondent- IInd set then, remedy lies to the petitioners before competent Civil Court and not before this Court for raising their grievances against the Government officials.

7. As such, this writ petition is hereby dismissed with liberty to the petitioners that they may file civil suit before the competent Civil Court for realisation of their money from private respondents.

(Dr. Anshuman, J.)

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