

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11035 of 2015

Rita Devi W/o Mahavir Singh resident of Ward No. 27, Holding No. 162,
Mohalla Chowk Shikarpur, post office - Begampur, Police Station - Patna
City, District – Patna. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Old Secretariat.
3. The Director, Land Acquisition, Government of Bihar, Old Secretariat
Building, Patna - 800015.
4. The Collector, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Circle Officer, Patna Sadar, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bihari Sinha, Adv.
	:	Mr. Sanjya Kr. Verma, Adv.
	:	Mr. Abhishek Kumar, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for direction to quash the Land Acquisition Notification bearing No.15/DLA Patna (Pu) 44/10-702/Ra issued under the emergency provisions of the Land Acquisition Act leading to the institution of the Land Acquisition Case No.16 of 2011-12 and on the ground that the said acquisition was made for construction of an over-bridge near the Patna Saheb Railway Station as without sanction it sought to acquire the petitioner's land/building with further speaking for taking possession over the petitioner's land situated in Municipal Survey Plot No.997 situated in Mouja Chowk Shikarpur, Patna City within Municipal Ward No.29 without following the mandate

of law particularly Section 9 and Section 17(3-A)(a) of the Land Acquisition Act.

3. Counsel for the petitioner submits that the petitioner is a poor widow of one Mahavir Singh, whose land was subject to acquisition in the year 2011, whose notification was made on 27.04.2011. Counsel submits that upon receiving the information petitioner's husband Mahavir Singh filed a representation before the Land Acquisition Officer, intimating that in the notice of Section 9 his name was not written and it was intimated that the proposed acquired land is of 4 brothers having equal shares, therefore, he requested to prepare award in his name and he also requested to send the notice relating to award to him also, which is Annexure-2 of this writ petition.

4. Counsel for the petitioner further submits that in the Municipal Records of the Rights the name of all the brothers are there but even then Land Acquisition Officer issued notices in the name of only 3 brothers. Counsel submits that the husband of the petitioner moved from pillar to post but did not get anything in his favour due to which he got frustrated and died. Counsel submits that after his death his wife i.e. the petitioner filed a representation before the authorities but no action was taken by them then the present writ petition was filed by her.

5. Counsel for the State submits that a counter-affidavit

has already been filed in this case and it has been mentioned in the counter-affidavit that 80% of the compensation amount has been handed over to Mohan Lal, Manohar Lal and Mithilesh Singh.

6. But it has not been mentioned in the counter-affidavit filed by the counsel for the State that whether payment has been made in favour of the petitioner or not.

7. In this view of the matter, petitioner is directed to file her representation, with all the documents that her husband had title, interest and possession on the said land, before the District Land Acquisition Officer, Patna who shall pass a reasoned and speaking order with regard to entitlement of the petitioner within 8 weeks from the date of filing of a representation by the petitioner and after appearance of all concerned persons.

7. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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