

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6045 of 2020

=====

Md. Quamruzzaman, Son of Md Babul Hussain, Resident of Village - Chhoti Kodarjana, P.O. - Ganga Prasad (Mahadevganj), P.S.- Sahebganj Mufassil, District- Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The District Magistrate cum Collector, Bhagalpur.
3. The District Land Acquisition Officer, Bhagalpur.
4. Md. Mannan @ Sheikh Abdul Mannan, Son of Late Sheikh Iqbal, Resident of Village Pirpainti Bazar, P.s.- Pirpainti, District- Bhagalpur.
5. Md. Shahanbaz, Son of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazqar, P.S.- Pirpainti, District- Bhagalpur.
6. Md. Imtiyaz, Son of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
7. Sheikh Sarfraz @ Md. Sarafraz, Son of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
8. Bibi Rehana Khatoon, daughter of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
9. Bibi Kulsum @ Bibi Sakila Khatoon, daughter of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
10. Bibi Sakila @ Bibi Sakila Khatoon, daughter of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
11. Bibi Ruby @ Bibi Mustari Khatoon, daughter of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
12. Bibi Ruby @ Bibi Rubi Khatoon, daughter of Late Sheikh Iqbal, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
13. Sheikh Shafique, Son of Late Sheikh Bilayat, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
14. Sheikh Hanif, Son of Late Sheikh Bilayat, Resident of Village - Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :



For the Petitioner/s : Mr. Dhirendra Nath Jha, Advocate
Mr. Chandra Shekhar Sharma, Advocate
For the State : Mr. Md. Khurshid Alam, AAG-12
Mr. Shailendra Kr. Dwivedi, A.C. to AAG-12
For the Resp. Nos. 4,5,6 : Mr. Diwakar Upadhyaya, Advocate
7 and 13

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 21-02-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent nos.
4, 5, 6, 7 and 13.

The petitioner has filed the instant application for the
following relief(s):-

“(i) For issuance of writ in the nature of mandamus commanding and directing the respondents to restrain the private Respondent no 4 to 14 from taking compensation amount in terms of Panchat No 245 till the disposal of L.A.R Case No 8/2015 pending before District Land Acquisition Officer, Bhagalpur as well as redressal of the claims of the petitioner.

(ii) For issuance of writ in the nature of mandamus commanding and directing the respondents to add the name of the petitioner in Award i.e Panchat no. 245 and then pay his share in the acquired lands of Late Sheikh Bilayat being a legal heirs.

(iii) For holding and declaration that Petitioner is the legal heirs of Late Sheikh Bilayat and being the legal heirs, he deserves



to get compensation amount as awarded vide Panchat No 245.

(iv) And/or pass such other order or orders as your Lordships may deem fit and proper in the interest of justice.”

It may be mentioned here that in the order dated 12.9.2022, a submission of learned counsel for the petitioner was recorded to the effect that the respondent no.14 had died. The petitioner has filed I. A. No. 1 of 2022 for substitution of the deceased respondent no.14. Further by the same order dated 12.9.2022, notices were issued on respondent nos. 8 to 12.

Having heard learned counsel for the parties, in view of the order that the Court proposes to pass, no order has been passed on the petition filed for substitution of deceased respondent no.14 nor is the Court awaiting the service of notice on respondent nos. 8 to 12.

It may be noted that by order dated 11.7.2022 passed in the instant case, this Court while issuing notice to the private respondent nos. 4 to 14 had directed that during pendency of the writ petition, the amount of compensation shall not be distributed in favour of any of the parties. Further from perusal of the contents of the counter affidavit filed on behalf of respondent no.2 (the District Magistrate-cum-Collector,



Bhagalpur) and respondent no.3 (the District Land Acquisition Officer, Bhagalpur), it transpires that the Land Acquisition Revenue Case which was registered as L.A.R Case no. 8 of 2015 is still pending before the District Land Acquisition Officer, Bhagalpur (respondent no.3).

In view of the facts and circumstances of the case, the submissions made by the respective counsel and the contents of the petition, this application is disposed of with the following directions:

I. The District Land Acquisition Officer (respondent no.3) shall dispose of the L.A.R Case no. 8 of 2015 pending before it in accordance with law at the earliest.

II. The interim order passed by this Court in its order dated 11.7.2022 directing that the amount of compensation shall not be distributed in favour of any of the parties, shall continue during pendency of L.A.R Case no. 8 of 2015.

III. If there is an inordinate delay in disposal of the said L.A.R case, the parties will be at liberty to file an application for vacating the order restraining the distribution of the compensation amount and if such an application is filed the same shall be considered and decided on its own merits without being prejudiced by this order.



The application stands disposed of with the above observations and directions.

It is clarified that this Court while passing the above order has not gone into the merits of the case of the respective parties.

(Partha Sarthy, J)

avinash/-

U			
---	--	--	--

