

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10701 of 2021

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Hasrun Nisa daughter of Late Md. Siddique and Late Hadisunnisa resident of village - Amouna, Police Station - Jogbani, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Public Grievance Redressal Officer cum Collector, Araria.
3. The District Land Acquisition Officer, Araria.
4. The Pankaj Kumar Sah Son of Late Ram Narain Sah resident of Jogbani, Police Station- Jogbani, District- Araria.
5. Deepak Kumar Sah son of Late Ram Narain Sah resident of Jogbani, Police Station- Jogbani, District- Araria.
6. Md. Mohiuddin son of Bahori resident of Jogbani, District- Araria.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Wasi Akhtar, Advocate
For the Respondents : Mr.Rajkishore Roy, GP 18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-12-2023 Heard learned counsel for the parties.

2. Writ petition has been filed for a direction to the District Land Acquisition Officer, Araria (respondent no.3) to recover the compensation money which has been paid to respondent nos. 4 to 6 in Case No. 450 of 2020.

3. It is submitted on behalf of the petitioner that prior to filing of the writ petition, petitioner and other two persons had filed Title Suit No. 287 of 2012 in the Court of Sub judge, Araria for partition of her share in the suit properties which includes the aforesaid land of RS Khata No. 291 Plot No. 1277 and 1278 situate of Mauza Jogbani, District Araria. During



pendency of the suit, 0.20 and 0.18 acre out of 0.38 and 1.60 acres of Plot Nos. 1277 and 1278 Khata No. 290 was acquired by the respondent authorities for the purpose of construction of road. Respondent no. 4 claimed compensation for the lands acquired on the basis of forged, fabricated and void sale deeds dated 15.5.1992 from Sri Indra Chand Sah who claimed to have purchased the same in Execution Case No. 48 of 1973 of the Court of Araria. After coming to know about claim of compensation made by respondent no. 4 to 6 (who were party defendants in Title Suit No. 287/2012) petitioner also filed application before the Collector, Araria. Complaint made by the petitioner was heard and vide order dated 28.6.2019 (annexure 4 to the writ petition) it was informed that the compensation money for the land in question has been withheld till disposal of Title Suit No. 287 of 2012. However, by order dated 24.8.2020 passed by respondent no.3, award was prepared in the name of respondent nos. 4, 5 and 6 for sum of Rs.3, 06, 42, 480/-. Copies of orders dated 17.8.2020 & 24.8.2020 are contained in annexure 5 to the writ petition. Learned counsel for the petitioner submits that these impugned orders for payment of compensation to the private respondents is illegal and without jurisdiction.



4. Learned counsel for the State has filed counter affidavit. In paragraph 18 of the counter affidavit, it is stated that the compensation money has been paid to the private respondents after taking bonds with condition to return the entire compensation amount at once within time in the office of respondent no.3 in case any adverse order is passed in Title Suit No. 287 of 2012. Moreover, writ petition is not maintainable as the petitioner has no locus to pray for recovery of compensation amount from respondent nos. 4, 5 and 6. He submits that respondent authorities have rightly withheld payment of compensation money to the petitioner in absence of any restraint order passed by the court.

5. Taking into consideration rival submissions of the parties as well as materials available on the record, I find substance in the submission of learned counsel for the State that the petitioner has no locus to challenge payment of compensation to private respondents. A person can be said to be aggrieved only when he has been denied his legal right infringed by some one who was legally bound to do so. In this case, no legal right of the petitioner has been infringed. Petitioner cannot challenge the payment of compensation to private respondents simply on the ground that the title suit filed by the petitioner for



the land in question, in which these respondents are defendants, is pending before the Court of Sub judge, Araria. In absence of any restraint order of the Court, there was no justifiable ground for the authorities to deny the compensation to be paid to the private respondents. Thus, petitioner cannot be said to be aggrieved by payment for compensation to the private respondents.

6. Accordingly this writ petition is dismissed.

7. Needless to state that the parties shall strictly abide by the results of the title suit.

(Prabhat Kumar Singh, J)

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