

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14775 of 2013

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| 1) Bhola Ram S/o Late Patiyar Ram
2) Sipahi Ram S/o Late Patiyar Ram
3) Dulari Devi D/o Late Patiyar Ram
All residents of Village- Pali Dehri under Municipality Dehri-
Dalmianagar, P.O & P.S.- Dehri, District- Rohtas | Petitioners |
| Versus | |
| 1) The State of Bihar through the Chief Secretary, Bihar, Patna
2) The District Magistrate, Rohtas at Sasaram
3) The District Land Acquisition Officer, Rohtas as Sasaram
4) The East Central Railway through its Divisional Manager, Mugalsarai
(U.P.) | Respondents Ist Set |
| 5) Ram Nath Ram S/o Late Aliar Ram
6) Sanchi Kuwar W/o Late Jagarnath Ram
7) Lalan Ram S/o Late Aliar Ram
8) Shanti Devi W/o Late Chaudhary Ram
9) Lakhpati Devi W/o Late Faguni Ram | Respondents IInd Set |
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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh
For the State	:	Mr. Prashant Pratap, GP-2
For the Respondent/s	:	Mr. Raghuvendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

13 10-10-2023 Heard learned counsel for the parties.

2. This writ application has been filed for quashing the order dated 09.02.2013 passed by the District Land Acquisition Officer, Rohtas as Sasaram/respondent No. 3 in Land Acquisition Case No. 2V/2011-12 as contained in Annexure-3 to the writ petition whereby claim of the petitioners for apportionment of amount was rejected.

3. At the very outset, counsel for the State contends



that petitioners had statutory alternative remedy of making appropriate application before the competent authority under Section 30 of the Land Acquisition Act, 1894 which reads as *“Dispute as to apportionment. - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court.”*

4. There is no justification coming forth as to why this writ petition should be maintained, despite the petitioners having statutory alternative remedy.

5. Learned counsel for the petitioners does not dispute the above proposition.

6. The writ petition is, accordingly, disposed of with an observation that petitioners shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

7. It is made clear that if the petitioners approach the appropriate forum, the concerned authority would have regard to the present proceeding being pursued by the petitioners, while



considering any issue relating to condonation of delay, if applicable.

(Prabhat Kumar Singh, J)

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