

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12148 of 2018

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Ram Lakhan Singh Son of Late Bajrangi Singh, Permanent resident of Vil-Mungila, P.S.- Paliganj, Distt- Patna, presently residing at Vill- Janpara, P.S.- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Special Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Special Land Acquisition Officer, Barh Suraksha Yojna, Patna.
5. The Sub-Divisional Officer, Paliganj, Distt.- Patna.
6. The Block Development Officer, Block- Bikram, Distt- Patna.
7. Tej Narayan Singh, Son of Late Btj Nandan Singh, Resident of Vill- Janpara, P.S.- Bikram, Distt.- Patna.
8. Laloo Singh, Son of Late Yamuna Singh, Resident of Vill.- Janpara, P.S.- Bikram, Distt.- Patna.
9. Ram Sevan Singh, Son of Nageshwar Singh, Resident of Vill.- Janpara, P.S.- Bikram, Distt.- Patna.
10. Mrityunjay Kumar, Son of Tej Narayan Singh, Resident of Village- Janpara, P.S.- Bikram, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Akshansh Ankit, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP 7
For the Respondents No. 7, 9 & 10	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 20-02-2023

Heard Mr. Ashok Kumar Chaudhary, learned senior counsel, Mr. Dhurjati Kumar Prasad, learned G.P. 7 for the State and Mr. Ajay Kumar, learned counsel for the respondent nos. 7, 9 and 10.



The petitioner has filed the instant application for the following reliefs:-

“a) To direct the concerned Respondents to refer the dispute regarding apportionment of compensation amount with respect to land situate at at Khata No. 192 and 193, Khesra No. 482, 483, Thana No. 29, Mauza-Janpara, P.S.- Bikram acquired for Dhana Paraiv Channel Extension [Award No. 64 dated 24.06.2013 passed in Case No. 08/11-12] to a Court of competent jurisdiction in terms of Sec. 30 of the Land Acquisition Act, 1894.

b) Alternatively, to direct the concerned Respondents to release half share of the compensation amount with respect to land situate at Khata No. 192 and 193, Khesra No. 482, 483, Thana No. 29, Mauza- Janpara, P.S.-Bikram acquired for Dhana Paraiv Channel Extension [Award No. 64 dated 24.06.2013 passed in Case No. 08/11-12] to the petitioners.

c) To direct the concerned Respondents to not to release the entire amount of compensation amount with respect to land situate at at Khata No. 192 and 193, Khesra No. 482, 483, Thana No. 29, Mauza- Janpara, P.S.- Bikram acquired for Dhana Paraiv Channel Extension [Award No. 64 dated 24.06.2013 passed in Case No. 08/11-12] to persons other than the Petitioner.

d) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.”

It is the case of the petitioner that the subject matter of the instant writ application is payment of compensation with



respect to the acquisition of land described in the writ application and which belongs to one Krishnandan Singh. Krishnandan Singh had executed a registered Will in favour of the father of the petitioner on 20.9.1982 and on the death of said Krishnandan Singh, a Letters of Administration Case no. 170 of 2002 has been filed which was subsequently converted into Title Suit no. 09/2007 and the same is still pending. It is further submitted that in the Award no. 64 dated 24.6.2013 passed in Land Acquisition Case no. 08/11-12 issued by the Collector-cum-Special Land Acquisition Officer, Barh Suraksha Yojna, Patna, the land is shown to be the *raiyati* property of the petitioner. As such, prayer has been made for directing the respondents to pay the amount of compensation to this petitioner.

A counter affidavit has been filed on behalf of the Special Land Acquisition Officer, Barh Suraksha Yojna, Patna (Respondent no. 4) stating therein that an objection has been filed by one Laloo Singh on 20.5.2014 about the apportionment of the award amount. While the petitioner was claiming half shares of declared award amount, the private respondent nos. 8 to 10 were claiming the total of the award amount. As Title Suit no. 09 of 2007 is still pending in the Civil Court of Danapur and the claim of the petitioner is yet to be decided, as such the respondent no. 4



withheld the amount claimed by the petitioner and paid the rest amount to the private respondents.

Learned counsel for the State further submits that for proper adjudication, the matter has been referred to the court of Land Acquisition, Rehabilitation & Resettlement Authority, Patna for adjudication vide letter no. 711 dated 1.8.2019 (Annexure- A to the counter affidavit).

At this stage, it is submitted by learned senior counsel appearing for the petitioner that the Special Land Acquisition Officer (Respondent no. 4) be directed to disburse the amount payable to the petitioner, even on an indemnity bond furnished by the petitioner.

Having heard learned counsel for the parties and taking into consideration the submissions made together with the statements made on the affidavits, the Court finds that the claim of the petitioner is on the basis of a registered Will said to be executed by Krishnandan Singh in favour of the father of the petitioner on 20.9.1982 and the said Will is the subject matter of Letters of Administration Case no. 170 of 2002, subsequently converted into Title Suit no. 09 of 2007.

As such, this application is disposed of directing the Land Acquisition, Rehabilitation & Resettlement Authority, Patna



to whom the matter has been referred to decide the issue before it expeditiously, in accordance with law.

Since the decision in the Title Suit no. 09 of 2007 (Letters of Administration Case No. 170 of 2002) will have a direct bearing on the decision of the Authority, the petitioner will be at liberty to move the appropriate Court for its expeditious disposal.

(Partha Sarthy, J)

Ranjeet/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

