

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2229 of 2018

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Raunak Kumar @ Raunak Singh son of Satyendra Kumar Singh, Resident of Village- Amer Karmopur Nayatole, P.O.- Nawanagar Bazar, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Govt. of Bihar, Patna
2. The Collector cum District Magistrate, Vaishali at Hajipur.
3. The Deputy Collector, Land Reforms Vaishali at Hajipur.
4. The District Land Acquisition Officer, Vaishali at Hajipur.
5. The Revenue Officer cum Kanoongo, Vaishali at Hajipur.
6. The Circle Officer, Raghapur Block, District- Vaishali.
7. The Halka Karamchari, Nava Nagar, Bidupur, District- Vaishali.
8. Randhir Kumar, son of Satyendra Kumar Singh @ Chhechhan Singh.
9. Satyendra Kumar Singh @ Chhechhan Singh, son of Late Dani Singh.
10. Jai Mandal Singh,
11. Hari Mangal Singh.
12. Sumangal Singh, All sons of Late Bhawani Singh.
13. Aman Singh, son of Satyendra Kumar Singh @ Chhechhan Singh, Respondent nos. 8 to 13, Resident of Village- Amer Karmopur, P.O.- Nawanagar Bazar, P.S.- Bidupur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-02-2023 The claim of the petitioner is that the petitioner is one of the co-sharers of the land which has been acquired by the State Government for the purpose of *Ganga* Development Scheme in which petitioner is having 1/8 share.

Mr. Manish Chandra Gandhi, learned counsel for the petitioner submits that petitioner has filed a partition suit



claiming his share in the subject land *vide* Partition Suit No. 706 of 2017 which is pending before the Sub Judge-1, Vaishali. Accordingly, his submission is that District Magistrate, Vaishali at Hajipur be restrained from distributing the compensation amongst other co-sharers till the disposal of the partition suit. Learned counsel relies upon Section 77(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act”) which stipulates as follows:-

“If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under



protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.”

On the other hand, learned counsel for the State submits that partition suit has been filed by the petitioner in order to deprive the co-sharers of their legitimate right to receive compensation and under Section 63 of the Act the jurisdiction of the Civil Court is barred in that regard.

I have heard learned counsel for the parties. Section 64 read with Section 77 of the Act stipulate that any dispute with regard to compensation or apportionment shall be referred to the appropriate Authority by the Collector on the basis of written application submitted before him by the aggrieved party. Section 51 of the Act states that appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities



to be known as “the Land Acquisition, Rehabilitation and Resettlement Authority” to exercise jurisdiction, powers and authority conferred on it by or under this Act” (in short L.A.R.R.A.). Learned counsel for the State informs that L.A.R.R.A., Vaishali has been constituted by the State Government and at present it is functioning.

Having considered the statutory provision and the nature of dispute, the petitioner is permitted to file a written application for reference before the Collector within a period of four weeks and if the same is filed by the petitioner, the Collector in turn shall refer the matter before the L.A.R.R.A., Vaishali for adjudication in accordance with law.

This writ application is disposed of accordingly.

(Anil Kumar Sinha, J)

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