

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1019 of 2012

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SARDAR HARIBANSH SINGH, Son Of Late Bishun Singh, Resident Of
Village - Sahar South Police Station - Sahar Ghat, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The Land Acquisition Officer, Madhubani
4. The Circle Officer, Madhwapur, Police Station - Madhwapur, District - Madhubani
5. Girish Chandra Mishra, S/o Late Shubha Chandra Mishra, R/o Vill-Dhakjari, P.S.- Arer, Dist- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Prabhas Ranjan, Advocate
For the State	:	Mr. Manish Kumar, GP-4
		Mr. Manoj Kumar, AC to GP-4
For Respondent No.5	:	Dr. Mayanand Jha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2023

1. Heard learned counsels for the parties.

2. The present writ application has been preferred by the petitioner for commanding the respondent-Authorities to pay the compensation for the land situated in Village- Mukhiyapatti, Khata No.1237, Plot No. 5360, Area- 24 Kathas of the petitioner which has been acquired under Rajiv Gandhi Mission Scheme for the purpose of installation of Power Sub-Station.

3. It is the contention of the petitioner that the land in question was purchased by the petitioner through sale deed dated 09.11.1991 from Janak Deo Jha, Son of Late Satya Jha



and Rataneshwar Mishra @ Girish Chandra Mishra, Son of Choudhary Shiv Chandra Mishra and he came in possession over it. Mutation was also done in his favour and Jamabandi No. 1462 was created in petitioner's name. Thereafter, petitioner used to pay the rent and get rent receipts for the aforesaid land. A Land Possession Certificate dated 14.01.2008 was also issued by the Circle Officer, wherein it is stated that the land mentioned in the certificate belongs to the petitioner on the basis of sale deed and its Jamabandi number is 1462 and rent has been paid up to 2007-08. The land in question was acquired in the year 2010 for the purpose of installation of Power Sub-Station but the compensation amount has not been paid to the petitioner till date.

4. On the other hand, a counter-affidavit has been filed on behalf of private Respondent No. 5. In paragraph – 14 of the said counter- affidavit it is stated that the family members of this respondent have filed a declaratory suit in the court of competent jurisdiction for declaration of their title and possession over the land in question and also for cancellation of the purported sale deed which is the basis of the claim of the present petitioner and the same is numbered as T.S. No. 7 of 2014 which is pending before the court of learned Munsif II,



Madhubani, in which the present petitioner is a party.

5. No rejoinder has been filed by the petitioner against the counter-affidavit filed on behalf of Respondent No. 5.

6. Considering the aforesaid facts and circumstances of the case, since title dispute is pending between the parties, no order can be passed by this court for payment of compensation amount. The payment of the compensation amount will be governed by the outcome of the judgment and decree of the title suit. If the title suit is decided in favour of the petitioner, it goes without saying that the petitioner will be at liberty to make his claim for recovery of the amount along with interest.

7. With the aforesaid observations, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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