

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15217 of 2022

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Lalan Prasad, S/o Late Kailash Prasad @ Kailash Prajapati, R/o Village-
Khemda Barun, P.S. Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Old Secretariat, Bailey Road, Patna.
3. The District Magistrate, Aurangabad.
4. The Arbitrator cum Additional Collector, Aurangabad.
5. The Competent Authority cum Land Reform Deputy Collector, Aurangabad.
6. Sri Baban Prasad S/o Late Motilal, R/o Village- Khemda Barun Kumhartoli, P.S. Barun, District- Aurangabad.
7. Sri Madan Prasad S/o Late Motilal, R/o Village- Khemda Barun Kumhartoli, P.S. Barun, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Jai Prakash Verma, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18
For Respondent No. 6	:	Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for setting aside order dated 06.07.2022 passed in L. A. Case No. 17(XIX)/2009-10 by the learned Competent Authority-cum-Deputy Collector Land Reforms, Aurangabad (Respondent No. 5).

3. It is the contention of the petitioner that from land pertaining to Khata No. 545, Total Area- 1.69 decimals situated at Mauza- Khemda, Thana No. 154, District- Aurangabad, 1200 square meter of land has been acquired by the respondent-



Authorities to convert the N.H.2 into six lane highway, which belongs to the petitioner and his cousin brothers namely Shyam Bihari Prasad, Janeshwar Prasad and Kameshwar Prasad, and private Respondent Nos. 6 & 7 have got no concern with the said acquired land. He further submits that on 12.05.2022, private Respondent No. 6 filed an application before the competent authority (Respondent No. 5) with a prayer to recover the compensation amount which has been paid to the petitioner with respect to Khata No. 17, Khesra No. 545, Area-1200 square feet. Upon notice, three separate objection petitions were filed before the Respondent No. 5 in response to the notice dated 12.05.2022 with a prayer to reject the application filed by private Respondent No. 6. Thereafter, Respondent No. 5 passed an order dated 06.07.2022 in L.A. Case No. 17(XIX)/2009-10, whereby and where under claim of the petitioner is rejected. Aggrieved thereby, the instant writ application has been filed.

4. Learned counsel appearing on behalf of private Respondent No. 6 has filed a counter-affidavit stating therein that this writ application is not maintainable as the petitioner has got alternative statutory remedy before the Divisional Commissioner, Magadh Division, who is authorized by the Central Government vide its notification dated 21.06.2018 bearing Notification No. 2282 as well as the State Government



vide notification dated 23.07.2018 bearing Memo No. 811 issued by the Revenue and Land Reforms Department, Government of Bihar.

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

6. In view of the aforesaid facts and circumstances of the case, this writ application is disposed of with liberty to the petitioner to move before the appellate authority, in this case the Divisional Commissioner, Magadh Division, within a period of six weeks from today.

7. In the event the petitioner files his representation along with all the necessary documents and details in support of this claim within the stipulated time, the Divisional Commissioner, Magadh Division shall dispose of the same in accordance with law after hearing the parties, preferably within a period of six months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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