

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20936 of 2013

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Sudama Sah S/O Late Ramjog Sah Resident Of Village Pokhnari, Police Station Shivsagar, District Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Rohtas At Sasaram.
3. The District Land Accuisition Officer, Rohtas At Sasaram.
4. Smt. Savitri Devi W/O Triveni Prasad Chaurasia Resident Of Village Station Road Nokha, P.S. Nokha, District Rohtas.
5. Triveni Prasad Chaurasia S/O Late Ram Prasad Chourasia Resident Of Village Station Road Nokha, P.S. Nokha, District Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhaneshwar Prasad Gupta,Adv.
For the Respondent/s	:	Mr.Anirban Kundu, SC 24
		Mr.Jitendra Prasad Singh, Adv.
		Mr.Rajeev Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-10-2023 Heard learned counsel for the petitioner, State and private respondents.

2. The present writ application has been filed for (i) quashing the order dated 19.02.2013 passed by Respondent no. 3 in Land Acquisition Case No. 06 of 2011-12, by which, the compensation amount for the acquired land has been paid to the respondent no. 4 & 5 and (ii) for directing the concerned respondent to recover the compensation amount from the respondent no. 4 & 5 and prepare the award in favour of this



petitioner.

3. It is submitted by learned counsel for the petitioner that the land in question was acquired by the respondent authorities for the purpose of 6-Lane National Highway-2, in which some piece of land of petitioner and others were acquired. The dispute is with regard to payment of compensation amount concerning the land situated in Mouja Pakhnari P.S. Sheosagar, District Rohtas, having Khata No. 145. It is further submitted that the consolidated Khatian of Khata No. 145 was prepared in the name of Doma Sah and Jadu Sah (one Ansh) and Chhakaudi Sah (one Ansh) and thereafter, partition took place amongst the Khatadharis, according to which, sons of Chhakaudi Sah namely Ramjag Sah, Jagarnath Sah and Baijnath Sah got equal share. It is further submitted that earlier, a notice with regard to compensation amount was issued in the name of Ramjag Sah, vide Case No. 2/11-12 (Annexure 1) and thereafter, petitioner filed objection petition on 22.06.2012 (Annexure 2) stating therein that Title Suit No. 395 of 2006 with regard to land in question is pending in the court of learned Sub Judge – 3, Sasaram. It is further submitted that after death of Ramjag Sah, another notice was issued to the petitioner Sudama Sah, being son of Ramjag Sah, by the office of



respondent no. 3, vide Case No. 6/11-12. It is next submitted that on looking into the document filed on behalf of petitioner and the fact that there is dispute between the parties about the title & possession and despite this fact that the title suit is pending in which validity of the sale-deed are under challenge, the respondents authorities decided the case and paid the compensation amount in favour of respondent no. 4 and respondent no. 5.

4. However, learned State counsel, by filing counter affidavit, submits that the impugned order has been passed after taking into consideration the entire materials on record and finding has been recorded after appreciation of materials and as such, same does not require any interference by this Court. He further submits that it is an admitted case that 293 sqm land of Doma Sah, 293 sqm land of Jadu Sah (both sons of Pachkauri Sah) and 195 sqm land of Jagarnath Sah, 195 sqm land of Baijnath Sah and 196 sqm land of Ramjag Sah (all sons of Chhakauri Sah) was acquired by the competent authority. He further submits that notices were issued to all the concerned parties including petitioner to submit the documents of right & entitlement, Land Possession Certificate, rent receipts etc. of the land which was acquired by the competent authority and also to



file objection, if any. As a matter of fact, the khatiyani raiyats namely Jadu Sah & Doma Sah (sons of Pachkauri Sah) and Jagarnath Sah & Baijnath Sah (sons of Chhakauri Sah) received their compensation amount vide award prepared by the competent authority in L.A. Case No. 06/2011-12 dated 05.03.2012. As khatiyani raiyat Ramjag Sah (father of petitioner) during his life-time alienated the land in question to Smt. Urmila Devi & Kiran Devi through registered sale-deed, who in turn alienated the said property to Smt. Savitri Devi & Triveni Prasad Chaurasia (Respondent no. 4 & 5 respectively) and accordingly, award no. 13 was prepared by the competent authority on 19.02.2012 in L.A. Case No. 06/2011-12 on 19.02.2013.

5. Having heard the submissions of learned counsel for the parties and on perusal of materials available on record, this Court does not find any merit in the writ application. The writ jurisdiction does not extend to dispute between private parties relating to properties. It is a pure civil dispute for which, a regular suit in a competent civil court is the only remedy. The same cannot be adjudicated in writ jurisdiction only by impleading some public authority and seeking direction against them.



6. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Singh, J)

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