

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1255 of 2018

1. Shiv Rajbanshi
2. Lalo Rajbanshi, Both sons of Baleshwar Rajwar, Both residents of Village-Ram Dasi, P.O. and P.S. Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Development Department, Govt. of Bihar, Patna.
3. The Collector, Nawada.
4. The Executive Engineer, Phulwariya Water Ways Dam Project, Haldia at Rajauli, P.S.- Rajauli, District-Nawada.
5. The Special Land Acquisition Officer, Flood Protection Anisabad, Patna.
6. The Anchal Adhikari Rajauli, P.S.- Rajauli, District- Nawada.
7. The Chairman Bhoodan Yagna Committee, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Adv.
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-01-2023 Heard the parties.

2. Learned counsel for the petitioners submits that the land of the petitioners was acquired by the State for the purpose of rehabilitation of persons who were displaced in Phulwaria Water Ways Project at Haldiya, Rajauli. The acquisition was initiated in the year 1980 and the compensation was not paid to the petitioners for which they filed a Title Suit bearing No. 07 of 1992/14 of 1999 and the same has been decided in their favour *vide* order dated 28.07.1999 holding that



the petitioner/plaintiff is hereby declared that he is entitled to get adequate compensation with respect of two acres of land as shown in Schedule-A of the plaint, but the compensation has not yet been paid.

3. A Title Appeal bearing No. 45/2018 has been filed by the State-Respondent challenging the decree dated 28.07.1999.

4. Learned counsel for the State submits that petitioner has obtained the decree on the basis of forged document.

5. In my view the two parallel proceeding cannot be initiated by the petitioner in view of the judgment of the Hon'ble Supreme Court passed in the case of *Jai Singh v. Union of India & Ors* as reported in *(1977) 1 SCC 1*.

6. Accordingly, this writ petition is dismissed with liberty to the petitioner to pursue his remedy before the Civil Court.

(Anil Kumar Sinha, J)

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