

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.525 of 2020

1. Vimla Devi @ Vimla Kunwar wife of Late Munshi Ram resident of Village- Shivganj, Ward no. 29, Dehri, P.S. Dehri, District- Rohtas at Sasaram.
2. Tulsi Ram son of Late Manki Ram @ Late Manki Dusadh resident of Village- Shivganj, Ward no. 29, Dehri, P.S. Dehri, District- Rohtas at Sasaram.
3. Sharda Ram son of Late Manki Ram @ Late Manki Dusadh resident of Village- Shivganj, Ward no. 29, Dehri, P.S. Dehri, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate-cum- Collector, Rohtas at Sasaram.
5. The District Land Acquisition Officer, Rohtas at Sasaram.
6. The D.C.L.R., Sasaram, Rohtas.
7. The C.O., Sasaram, Rohtas.
8. Dhanvarti Devi wife of Bhuar Dusadh Resident of Mohalla- Nuranganj, Ward No. 32, Baulia Road, P.S. Sasaram Town, District- Rohtas.
9. Asharfi Devi wife of Santu Dusadh, D/o Late Seth Dusadha Resident of Mohalla- Khagariapatti, Takiya, Ward No. 03, P.S. Sasaram, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP18

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-02-2023

Heard learned counsel for the petitioners, learned counsel
for the State and learned counsel for the respondent no. 9.



The petitioners have filed the instant application for the following reliefs:

“I. Issuance of writ/ writs, order/orders, direction/directions in the nature of mandamus commanding the Respondents Authorities to distribute equal share of Compensation Amount amongst the petitioners and Respondent no. 8 and 9 in equal share as they are members of Joint Hindu family and distribution of Land amongst them has not been finalized as yet.

II. To issue any other writ(s)/ direction(s)/orders (s) as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

The case of the petitioners in brief is that they received notice on 21.10.2019 in connection with Case No.8 (5/2019-20) from the District Land Acquisition Officer, Rohtas, (‘DLAO’ in short) asking the petitioners to submit their claim with respect to the land acquired by the Government. Referring to the genealogical table brought on record as Annexure-3 to the petition, it is submitted that the petitioners on one hand and the private respondent nos. 8 and 9 are co-sharers. As such the petitioners filed a detailed application before the DLAO to the effect that as no partition has taken place between the family members, as such the compensation amount be distributed



amongst the co-sharers. It is further submitted that by learned counsel appearing for the petitioners that this Court by its order dated 28.6.2022, while issuing notice to the respondent nos. 8 and 9 had directed that during pendency of this case, compensation amount shall not be dispensed in favour of any of the claimants.

Pursuant to the notice issued, both the private respondents have appeared.

A counter affidavit has been filed on behalf of the State-respondents ie respondent nos. 4 to 7 and another counter affidavit on behalf of respondent no.9.

It is submitted by learned counsel for the State that the writ application relates to payment of compensation on acquisition of land appertaining to Khata no.2(83) Plot Nos. 420, 421 and 422 measuring an area of 0.04, 0.16 and 0.16 hectares respectively. It is further submitted that the petitioners filed an application praying for payment of half of compensation amount being the descendants of *khatiyani raiyats*. In the mean time, the respondent no. 9 filed Land Dispute case no.132/2012-13 which was allowed by the DCLR, Sasaram in her favour and against which Land Dispute Appeal no.347 of 2013 was filed before the Divisional Commissioner,



Patna.

The Divisional Commissioner quashed the order impugned dated 15.3.2013. Against the same BLT Case no.834 of 2016 was preferred by the respondent no.9 which was dismissed by the Bihar Land Tribunal by its order dated 12.9.2018 giving liberty to the petitioners to seek redressal of their grievance with regard to the land in question before the competent Civil Court in accordance with law.

It is submitted by learned counsel appearing for the respondent no.9 that the petitioners along with others preferred Title Suit no. 70 of 2020 which is pending in the Court of learned Sub-Judge-I, Sasaram and in the said suit the respondent no.9 herein has been made defendant no. 2 and the DLAO, Sasaram (respondent no.5 herein) has been made defendant no. 26. It is further submitted that even as per section 20H(4) of the Railways Act, if any dispute arises with respect to apportionment of the award amount, then the competent authority/DLAO has to refer the matter before the Civil Court of competent jurisdiction.

Having heard learned counsel for the parties and taking into consideration the submissions made by learned counsels together with the material on record, in view of the dispute



between the parties with respect to the compensation amount and Title Suit No.70 of 2020 preferred by the petitioners already being pending before the learned Sub Judge-I, Sasaram, this application is disposed of directing the petitioners to pursue the said title suit .

In view of the interim order passed in this case on 28.6.2022 to the effect that the compensation amount shall not be dispensed in favour of any of the claimants during pendency of the case together with the fact that the DLAO, Sasaram is defendant no.26 in Title Suit No.70 of 2020 pending before the learned Sub- Judge-1, Sasaram, liberty is granted to the petitioners to file an application praying for stay etc. with respect to distribution of the compensation amount in the title suit. If such an application is filed by the petitioner(s), the same shall be dealt with and decided in accordance with law and till any order (final or interim) is passed on the said petition, the compensation amount shall not be distributed. However, if no application for any interim order is preferred by the petitioner in the court below within a period of four weeks from today, steps for distribution may be taken in accordance with law and/or as per order in the title suit.

It is clarified that any observation made hereinabove



should not be construed by the learned Court below as being an observation on the merits of the case of any of the parties.

The writ application stands disposed of.

(Partha Sarthy, J)

Bibhash/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.02.2023
Transmission Date	

