

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.401 of 2019

In
Civil Writ Jurisdiction Case No.12818 of 2018

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Kapil Muni Singh, S/o Rajbansh Singh, Resident of Village - Barej, Police Station - Mohania, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna
2. The District Magistrate, Kaimur, District- Kaimur
3. The District Land Acquisition Officer, Kaimur, District- Kaimur at Bhabua
4. The Circle Officer, Mohania, District- Kaimur at Bhabua
5. Sri Sanjay Singh, Son of Sri Rajbansh Singh, Resident of Village- Barej, P.S.- Mohania, Distt- Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ramchandra Singh, Advocate
For the Opposite Party/s :	Mr. Md. Khurshid Alam, AAG-12
	Ms. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 06-10-2023 Heard learned counsel for the parties.

2. CWJC No. 12818 of 2018 was filed by Kapil Muni Singh seeking quashing of an order dated 28.02.2018, passed in Land Acquisition Case No. 04 of 2016-17 by the Land Acquisition Officer, Kaimur at Bhabhua, whereby he had directed to recover from the petitioner the amount of compensation with interest through the process of certificate proceeding. The said amount was paid to the petitioner against acquisition of land for widening of six lane road of N.H.I.-02.



3. It was the petitioner's case in the writ petition that Khata No. 105, Plot No. 602 admeasuring 31 decimals originally belonged to one Rajbansh Singh, son of late Sant Prasad Singh. Rajbansh Singh had filed Title Partition Suit No. 580 of 2012 before the court of Permanent Lok Adalat against his two sons, namely, Kapil Muni Singh and Sanjay Singh. The matter was amicably settled before the said Permanent Lok Adalat and a compromise petition was filed, whereupon an Award was passed on 27.01.2013 in respect of ancestral property of Rajbansh Singh. It was further case of the petitioner that in Khata No. 105, Plot No. 600 of Mauza Barej, Rajbansh Singh got six decimals of land, whereas his sons, namely, Kapil Muni Singh and Sanjay Singh got 12.5 decimals each in the said plot. The said plot was subject-matter of acquisition for the purpose of widening of the road. The petitioner had not brought on record the Award said to have been passed by the competent authority in the land acquisition proceeding.

4. Be that as it may, it is not at all in dispute that the entire claim of the petitioner was based on the Award said to have been passed by the Permanent Lok Adalat on 27.01.2013.

5. The writ petition was dismissed by an order dated 21.06.2019 as the petitioner had not brought on record the



Award prepared by the competent authority for payment of amount of compensation. The Court also found that the pleadings were completely deficient to form any opinion on the merit of the case.

6. The petitioner, thereafter, preferred a Letters Patent Appeal before this Court giving rise to LPA No. 830 of 2019, which was permitted to be withdrawn by an order dated 29.11.2019 by a Division Bench of this Court with a liberty to the petitioner to seek review of this Court's order dated 21.06.2019. Accordingly, the present review application has been filed seeking review of the order of this Court dated 21.06.2019, passed in CWJC No. 12818 of 2018.

7. At the cost of repetition, it is reiterated, which fact is not at all in controversy, that the entire case of the petitioner is based on the Award said to have been prepared by the Permanent Lok Adalat in a pre-litigation case based on compromise petition filed by the parties to the said case.

8. Learned counsel for the petitioner admits that there was no Permanent Lok Adalat in the district of Bhabhua. The said Lok Adalat did not have any jurisdiction to entertain a pre-litigation case, as has been done in the present matter.

9. The Award said to have been passed by the so



called Permanent Lok Adalat, in the Court's opinion, is null and void. No relief can be granted to the petitioner based on the said Award.

10. This review application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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