

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4090 of 2018

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Jethan Singh Son of Late Meghu Singh, Resident of Village-Lahladpur
Saidabad, Police Station-Rani Talab Kanpa, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner-Cum-Secretary, Land Reforms, Government of Bihar, Patna.
3. THE Secretary, Revenue and Land Reforms Department, Land Acquisition Directorate, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Additional Collector, Patna.
7. The District Land Acquisition Officer, Patna.
8. The Special Land Acquisition Officer, Patna Flood Protection Project, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Adv.
For the Respondent/s : Mr. Sajid Salim Khan- SC25

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

On 11.11.2024 following order has been passed.

*“ In the instant petition, petitioner
has prayed for the following relief(s):-*

*That, this is an application for
issuance of appropriate writ or writs,
order or orders, or directions,
commanding the respondents to make
payment of compensation at the revised
rate to the petitioner in view of the
acquisition of land under the provisions of
Land Acquisition Act I of 1984 measuring
an area 0.6 dec. of land in different plot
numbers acquired for construction of
extension of Dhana-Pareb Channel*



situated in the Mauza- Lahladpur, P.S.- Bikram, District- Patna also which is agricultural land which also contains total 8 trees of Kathal, Sheesham and Mango including contains Boring whereas other persons have got enhanced rate of compensation and or issuance of appropriate consequential writ or writs to pay panel as well as statutory interest thereon since land has been acquired in the year 2010 whereas compensation was paid in the year 2012 and for issuance of any other consequential writ or writs under the facts and circumstances of the case.'

2. Learned counsel for the petitioner submits that petitioner has limited grievance that he has not got the compensation amount for the land which has been acquired for the extension of Dhana-Pareb Channel as per its valuation. He further submits that petitioner has only been given compensation of Rs. 54, 958 and he has also annexed MVR rate and by virtue of this MVR rate, petitioner is entitled to get compensation of Rs. 1,20,000 for the acquisition of land in question. He further submits that jack fruit trees, mango trees and boring are also part and parcel of the said land for which no compensation has been given. Learned counsel further submits that petitioner is aggrieved by the compensation amount which he has received.

3. Learned counsel for the State submits that the land has been acquired under the Land



*Acquisition Act, 1894 and by virtue of notification dated 04.02.2011 land has been acquired and award was prepared on 08.04.2012 and petitioner has not made any objection over the same. Petitioner has only remedy under Section 18 of Land Acquisition Act, 1894 but section 18 would not be applied in the case of petitioner as he has not made any objection at the time of receiving the compensation. Learned for the State has relied on two judgments i.e. **Andhra Pradesh Industrial Infrastructure Corporation Limited Vs. Chinthamaneni Narasimha Rao and others reported in 2012 (12) SCC 797 and Santosh Sharma Vs. Union of India and Others reported in 2013 (15) SCC 563** where no objection can be raised at belated stage after obtaining of the award. The petitioner has already received the award in 2012 for which he was raising grievance in 2018 and for the same no compensation can be enhanced as mentioned in the two judgments referred by the State.*

3. Learned counsel for the petitioner submits that he has not received the counter affidavit and he is ready to file rejoinder to the counter affidavit.

4. Re-list this matter on 18.11.2024.”

2. Learned counsel for the petitioner submits that he has nothing to submit more against the said order passed on



11.11.2024.

3. Learned counsel for the State submits that in the light of aforesaid facts and circumstances of the case, the present writ petition is not maintainable.

4. Accordingly, the present writ petition stands disposed of as not maintainable.

5. However, disposal of the writ petition would not be hurdle for the petitioner to approach before appropriate forum within four weeks from the date of receipt of this order.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	20.11.2024
Transmission Date	N/A

