

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9933 of 2021

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1. Fucho Prasad Yadav @ Pucho Yadav Son of Late Boku Prasad Yadav Resident of Gumti No.1, Laldarwaza, Munger, District-Munger.
 2. Ronaldo @ Lurando Yadav Son of Late Boku Prasad Yadav Resident of Gumti No.1, Laldarwaza, Munger, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Munger, District-Munger.
4. The Additional District Magistrate, Munger, District-Munger.
5. The Deputy Collector Land Reforms Officer, Munger, District-Munger.
6. The District Land Acquisition Officer, Munger, District-Munger.
7. The Circle Officer, Sadar Munger, District-Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Mr. Bipin Kumar
For the Respondent/s	:	Mr.Subodh Kumar Mishra, AC to GP-14

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed with a prayer to direct the concerned respondent to make payment of compensation of house and tube-well, constructed by him on land acquired, as per letter dated 18.11.2020 issued by the District Land Acquisition Officer, Munger (Respondent no. 6), amounting to Rs. 6,94,230/- and Rs. 10,35,230/- respectively, with further direction to the respondents not to demolish the house of the petitioners till payment of compensation.



3. It is the contention of the petitioners that for the purpose of construction of Ganga Rail-cum-Approach Road, the *rayati* land of the petitioners was acquired, but till date due compensation has not been paid. It is further contention of the petitioners that after examining the documents and the spot verification in Complaint no. 29/2015-16, award no. 29/03 and award no. 29/04, arising out of Complaint no. 29/2015-16, were prepared, but no payment has been made to the petitioners.

4. In this case, a counter affidavit has been filed on behalf of respondent no. 6/District Land Acquisition Officer and in paragraph – 10 of the same, it is stated that the District Land Acquisition Office, Munger heard the petition of Asha Devi and finally passed order on 21.09.2021 in Misc. Case No. 29/2020-21 and referred the matter to the Principal Civil Court under Section 3(H)(4) of the National Highways Act, 1956, which reads as follows:

“(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”



5. Heard learned counsel for the parties as well as perused the records of the case. Admittedly, the issue of amount of compensation is already pending before the competent authority and as such, no order is required to be passed by this Court. Petitioners are at liberty to pursue the matter before the competent authority in accordance with law.

6. Writ application stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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