

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2756 of 2016

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Sri Nirmal Rai son of Sri Sitaram Rai, Resident of Village- Pathlautiya P.S.-
Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna
3. District Land Acquisition Officer, Patna.
4. Addl. Land Acquisition Officer, Patna.
5. Deputy Collector Land Reforms, Danapur, District- Patna.
6. Circle Officer, Bihta, District- Patna.
7. Nagina Rai, son of Dev Nandan Rai, Resident of Village- Raidih, P.S.-
Bihta, District- Patna.
8. Nathuni Rai, son of Late Gulab Rai, Resident of Village- Raidih, P.S.- Bihta,
District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Saran Kumar
For the Respondent/s : Mr. D.K. Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 15-03-2024 Heard learned counsel for the petitioner as also the

State and respondent nos. 7 and 8.

2. This application has been preferred for issuance of
an appropriate writi(s)/ order(s) or direction(s) and thereby to
issue a writ in nature of 'certiorari' and thereby to quash the
Award prepared by Competent Authority cum District Land
Acquisition Officer, Patna in LA. Case No. 01/2011-12 by
which the learned Addl. D.L.A.O. has prepared 80% Award for
Lands acquired of the petitioner and his other co- sharers. But in



spite of representation of the petitioner total 80% amount to the extent of Rs. 19,72,442.89 Paisa has been granted to Mr. Nagina Rai, son of Dev Nandan Rai Resident of village- Raidih.P.S. Bihta, District-Patna for the reasons best known to them vide their Award dated 06-11-2013 and further to issue a writ of mandamus to the petitioner to the extent of Rs. 11,31,467/-and also to award of further compensation.

3. Learned counsel for the petitioner submits that despite the land being purchased by him, fraudulently, the respondents took the compensation amount for which an appropriate petition/objection already stands pending since long before the District Land Acquisition Officer, Patna.

4. A counter affidavit on behalf of the District Land Acquisition Officer is on record and in paragraphs 7 to 10, it has been recorded as follows:

“7. That it is pertinent to mention here that the petitioner also submitted his claim for area 0.06 acre in Khata No-279 Plot no-735 and area 0.125 acre in Khata No. 276 Plot No-739 on 05.11.12. It is found that no area in the aforesaid land is left. Therefore, the notice to the land owner who has received the compensation amount has been issued by the then Addl. District Land Acquisition Officer Patna. Due to transfer of



the then Addl. District Land Acquisition Officer, Patna no order could be passed.

Now, fresh notice has been issued to the entire claimant of the land in question vide memo no-3102 dated 12.12.15.

8. That due to absence of member of 2nd party, it is further directed to issue notice to the parties concerned vide order dated 26.07.2016.

9. That the answering respondent will be pass the reasoned order after appearance of the parties concerned.

10. That it is further submitted that due to dispute raised by the petitioner the rest 20% compensation amount has not been paid to the respondent no-7 & 8 i.e. Nagina Rai and Nathuni Rai.”

5. Learned counsel appearing on behalf of respondent nos. 7 and 8 vehemently opposes the prayer of the petitioner and submits that the land belongs to his ancestors and as such, they have rightly been granted compensation. He submits that if the petitioner has any case, he must prefer title suit and the DLAO, Patna has no authority to decide the same.

6. Learned counsel for the petitioner has drawn attention of the Court to an order of the Patna High Court in CWJC No. 11689 of 2017 relating to the agnates of the petitioner in which on 12.09.2023, the co-ordinate Bench taking



note of paragraphs 4 and 5 disposed it of which has been incorporated in paragraphs 6 and 7. For proper appreciation, paragraphs 4 to 7 are recorded here-in-below:

“4. Learned counsel for the State submits that the said LA Case No. 01/2011-12 is still pending and until and unless, both the petitioners and the respondent, who are first and second party in the said LA case, shall not appear before the District Land Acquisition Officer, the existing dispute cannot be decided.

5. Learned counsel for the petitioners in response submits that the petitioners have already appeared in LA Case No.01/2011-12 and have filed their reply.

6. In this background, this writ petition is disposed of directing the District Land Acquisition Officer, Patna to decide the dispute between the parties for the purpose of which a letter bearing Memo No. 3102 dated 12.12.2015 issued by the Additional District Land Acquisition Officer, Patna to both the parties. The petitioners are directed to produce a copy of this order before the Land Acquisition Officer, Patna whereupon the Land Acquisition Officer, Patna after noticing both the parties shall decide this



matter within three months from the date of appearance of both the parties.

7. With the above observation and direction, the writ petition stands disposed of.”

7. The petitioner has preferred petition before the respondent authority and as per the counter affidavit, notices issued to the respondent no. 7 and 8 and affidavit which dates back to 30.08.2016 shows that they will take a decision.

8. It is unfortunate that even after lapse of eight years, the authorities are sleeping over the matter particularly when a co-ordinate Bench already passed an order on 12.09.2023, six months ago.

9. In that background, the writ petition stands disposed of directing respondent-authorities to take the matter to its logical conclusion, if still not disposed of after noticing/hearing all the necessary parties and the decision has to be taken within six months from the receipt of the copy of this order.

(Rajiv Roy, J)

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