

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13467 of 2022

Bullah Khan alias Habibullah Khan S/o Late Faizal Rahman @ Faizal Rahman Khan Resident of Village and P.O.- Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar, Presently residing at Baheri, Balia City, Balia, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector, Buxar.
4. The Competent authority-cum-District Land Acquisition Officer, Buxar.
5. The Union of India through the Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi.
6. The Secretary, Ministry of Road, Transport and Highways, Govt. of India, New Delhi.
7. The National Highway Authority of India, through its Chairman, G. 5 and 6, Dwarika Sector 10, Delhi- 110075.
8. The Chairman, National Highway Authority of India G- 5 and 6, Dwarika, Sector 10, Delhi- 110075.
9. Kamru Khan S/o Late Gulab Jhan Khan Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
10. Sartwaz Khan S/o Late Iltaf Khan Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
11. Hasina Bibi W/o Late Badru Khan Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
12. Sahzadi Begum W/o Late Sarfuddin Khan Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
13. Santosh Kumar Singh S/o Late Satya Narayan Singh Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
14. Dilip Kumar Singh S/o Late Satya Narayan Singh Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
15. Sunil Kumar Singh S/o Late Satya Narayan Singh Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
16. Pradip Kumar Singh S/o Late Satya Narayan Singh Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
17. Pyare Chand Sah S/o Late Kedar Sahu Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.
18. Gular Chand Sah S/o Late Kedar Sahu Resident of Village and P.O. Barki Sarimpur, P.S.- Buxar (industrial area), District- Buxar.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajan, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)
For the UOI : Ms. Kanak Verma, CGC
For the NHAI : Mr. Raghwanand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-06-2024 Heard the parties.

2. The present petition has been preferred for the following reliefs:

(i) for quashing the order dated 22.06.2022 passed by the competent Authority cum District Land Acquisition Officer, Buxar in Land acquisition Case No. 97/2021 against payment of compensation further land of the petitioner to Respondents Nos 9 to 18 on the ground that the petitioner is not in possession of the land in question;

(ii) for a direction to the respondent to refer the dispute regarding payments/apportionment of compensation to the Principal Civil Court of original jurisdiction decision in the matter;

(iii) for a direction to the respondents not to be compensation to the respondent nos. 9 to 18 pending final decision of the Principal Civil Court in the matter of payment/apportionment of the compensation.



3. Learned counsel appearing on behalf of the respondents pointed out that on 20.10.2022, a co-ordinate Bench had observed that during the pendency of the writ petition, award amount should not be disbursed in favour of any of the parties.

4. A counter affidavit on behalf of respondent nos. 3 and 4 is on record, having served to the petitioner on 22.11.2022 and paragraphs 4, 6, 8, 9 and 19 read as follows:

“4. That this writ petition has been filed by writ petitioner Bullah Khan @Habibullah Khan to issue a writ for quashing the order dated 22.06.2022 passed by the answering respondent no. 4 in Land Acquisition case no. 97/2021 whereby and where under the writ petitioner's claim to payment of compensation against acquired land has been rejected. He further prays for issuance of an appropriate writ to the respondents to refer the dispute regarding apportionment compensation to the Principal Civil Court of original jurisdiction.

It is being humbly submitted that vide notification U/s 3A no. 2840 dated 04.11.2009 was published in Hindustan paper news 06.12.2009 in which published that the land of Mauja Sarimpur, Khata no.



159, Plot no. 644, Area 0.031 ha. Plot no. 645, Area 0.024 ha. And Plot no. 646, Area 0.006 ha. was announced to be vested in the Central Government for widening NH 84.

6. That the award of the land was announced on 01.06.2020 in the name of Tulsi Sonar, Santosh Kumar Singh, Deelip Kumar Singh, Sunil Kumar Singh. Pradeep Kumar Singh, Sogra Bibi, Pyar Chandra Sah, Dular Chandra Sah, Sakina Bibi, Abdul Karim, Iltaf Khan, Saheb Khan, Khudsed Khan, Kamru Khan, Jahid Khan, Jaudin Khan, Jibrahim Khan, Ijrail Khan, Israr Khan, Chandej Khan, Firoj Khan, Tamanna Begam, Ajad Khan, Arsad Khan, Afajal Khan, Akhtar Khan. Md. Nasim, Samima, Sahnaj Begam, Aale Mohamad Khan.

8. That it is humbly submitted again that the petitioner did not file any objection earlier during the process of granting award. That on the basis of his petition the matter was heard by the respondent no. 4 on 22.06.2022 and his claim was dismissed because, it found was on the basis of the report of Circle Officer, Buxar that the writ petitioner possession of the said land. On the said land the possession awardee rayiats were found and the respondent no. 4 has allowed the claim of respondent no 13 to 18 on the basis of the



document produced before him which included title of of the the land possession certificate. Sale deed, rent rasid report of Circle Officer.

9. That the petitioner has not filed any proper documents to prove his claim over the said land and the respondent no. 4 is not the competent authority to decide the right of title hence the matter has been referred to the principle civil court on 20.10.2022.

The competent authority respondent no. 4 has not made payment to the respondent no. 9 to 12 as they have not submitted proper documents.

19. That the contention made in Para 16' of this writ petition is misleading as the matter has already been referred to the learned District and Session's Judge, Buxar. He may pursue his matter before the competent Civil Court."

5. There is no reply to the counter affidavit filed on 22.11.2022.

6. This Court has taken note of paragraph 19 and have noted the fact that the matter already stands referred to the competent Civil Court, the learned District and Sessions Judge, Buxar.



7. It would be appropriate that the parties agitate the matter before the competent Civil Court. The writ petition stands disposed of.

(Rajiv Roy, J)

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