

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8738 of 2016

Umesh Chandra Jha Son of Late Sobha Nand Jha, Resident of Mohalla- New Belbhadrapur, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. Land Acquisition Officer, Darbhanga.
5. The Circle Officer, Hanuman Nagar, Darbhanga.
6. North Bihar Power Distribution Company Limited, Patna through its Managing Director.
7. Electrical Executive Engineer, North Bihar Power Distribution Company Limited, Electric Supply Divi
8. Murli Manohar Balmi.
9. Rakesh Balami @ Ishwar Balami.
10. Sri Lal @ Lalit Balmi.
11. Mahendra Balmi, All sons of late B.P. Balmi, Resident of Village- Dihlahi, P.S.- Bishanpur, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Baidya Nath Thakur, Advocate
For the State	:	Mr. Sarvesh Kr. Singh – AAG-13
For the Respondent 7	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate Mr. Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner, learned State counsel and learned senior counsel appearing on behalf of respondent /North Bihar Power Distribution Company Limited.

2. This writ application has been filed for quashing the proceedings of Land Acquisition Case No. 2 / 1991-92



including the award passed therein so far the same related to 14 katha 1 dhur 81 dhuraki of land of Khata no. 494, Khesra no. 2440 (New-4314), Mauza – Dihlahi, P.S. - Bishanpur, District – Darbhanga after calling for the entire records from the Land Acquisition Officer, Darbhanga as without compliance of statutory provisions of the Land Acquisition Act, 1894.

3. At the very outset, learned counsel for the respondents raise preliminary objection to the effect that petitioner has got alternative remedy by way of filing appropriate application before the Collector under Section 18(1) of the Land Acquisition Act, 1894, which reads as follows:

“18. Reference to Court. - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation amount the persons interested.”

4. Learned counsel for the petitioner does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioner to file application before the Collector, Darbhanga / Respondent no. 3 for redressal



of his grievance.

5. In the above view of the matter, this writ application is disposed of with liberty, as indicated above. If such application is filed by the petitioner, the authority concerned shall examine the same and pass appropriate order, after hearing the parties, in accordance with law.

6. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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