

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14790 of 2023

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1. Anand Kishore son of late Ramnandan Prasad Singh @ Ramnandan Prasad, Resident of village-Dashrathpur P.O.-Pawapuri, P.S.- Giriak, District-Nalanda. At Present Address- Resident of village-Murram Kala, P.O.-Gosa, P.S.-Ramgarh, Near Tyre More Ramgarh, District-Ramgarh (Jharkhand).
 2. Amit Kumar, Son of Late Akhileshwar Prasad, Resident of village-Dashrathpur P.O.- Pawapuri, P.S.- Giriak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum Collector, Nalanda at Biharsharif.
4. The District Land Acquisition Officer, Nalanda at Biharsharif.
5. The Circle officer, Giriak, Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-04-2024 Heard Mr. Devendra Kumar Sinha, learned Senior
counsel appearing on behalf of the petitioners and the State.

2. The present writ petition has been preferred for the
following relief/s:-

*“that this application is directed for
commanding the respondents to make
payment of award of the compensation for
the acquisition of land of the petitioners.”*

3. A counter-affidavit on behalf of the respondent



Nos. 3 to 5 is on record duly put on affidavit by the Circle Officer, Giriyak, Nalanda and paragraphs 4 to 10 read as follows:-

“4. That the facts in brief as indicated in the present writ petition is that a notification was published 05.08.2011 U/s 4 of the L.A. Act, 1961 as amended Act, acquisition of land for the purpose of construction of approach road of Vardhman Ayurvigyan Sansthan, Medical College & Hospital, Pawapuri situated in Mauza-Dashrathpur Thana No.-335 in the district of Nalanda under Emergent Provision U/s 17(4). The said Notification has been published for inviting claim and objections regarding acquirable the lands including the land bearing Khesra No.-725, Dashrathpur, District- Nalanda situated in Mauza- Circle- Giriyak, which the of petitioners are making claim of right and title and demanding compensation.

5. That the petitioners, fact in remains that the response to the notification could not file objection before the Respondent No.- 04 within the prescribed period of objection.

6. That it is pertinent to mention here that in connection with the said project, process of acquisition Declaration U/s 6 has been published on 06.08.2011. Subsequently



rate of the land was fixed as per established process of law as 18,00,000/- per acre for Dhanhar and 12,15,385/- for Bhith. It further is stated and submitted that in pursuance to the notice issued U/s 9, only 03 persons made claim/ objection. Thereafter award notice was issued for receiving compensation amount to the awardees.

7. That the awardees, who appeared, were paid 80% amount of compensation for their land acquired in the said project.

8. That it is relevant to mention here that one Raj Kishore Prasad received the 80% amount of compensation on 12.05.2012 for the part of the land to the area 0.135 acre out of 0.27 acre of Khata No.-110, Khesra No.-725 and subsequently on 17.10.2012 rest 20% amount of compensation received by the said Raj Kishore Prasad. Therefore the 100% amount of compensation has been paid to the awardee Raj Kishore Prasad.

9. That the fact remains that the process of acquisition under the said project has been completed but the petitioners never take trouble to make claim/ objection before the competent authority respondent no. 04 as a result for the part of the land of Khata No.-110 Khesra No.-725 Area 0.135 acre acquired in the said project, no compensation has been paid and column of



awardee is still vacant.

10. That it is pertinent to mention here that for the first time claim of the petitioners were raised before this Hon'ble court by filing the present writ petition, which goes to show that the land in question to the area 0.0675 acre was purchased by father of the petitioner no. 1 namely Ramnandan Prasad Singh and rest 0.0675 acre land was purchased by father of the petitioner no. 02 namely Akhileshwar Prasad on 25.01.1983 and since then they were in possession over the same and after their death the petitioners are in possession over their respective part of the land in question. However due to negligent attitude of the petitioners even after conclusion of the process of acquisition and construction of the road, they did not turn up before the authority concerned for making claim/objection.”

4. Learned Senior counsel submits that a bare perusal of para-8 would show that part of the land belongs to Raj Kishore Prasad who has received the entire compensation but the petitioners have remained bereft of the said fruits.

5. Learned State counsel submits that the petitioner never approached the concerned authority.

6. Learned Senior counsel submits that within four



weeks, the petitioners shall be approaching the appropriate authority alongwith all the relevant documents so that they can satisfy and extend them the compensation amount.

7. If the said petition is preferred within four weeks, the competent authority shall dispose it of within a period of next four months.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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