

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4177 of 2018

1. Suresh Prasad Sharma and Anr Son of Late Ram Swaroop Sharma.
2. Smt. Shobha devi @ Shobha Kumari, Wife of Suresh Prasad Sharma. Both are Resident of Village-Pachna Road, Kiul Basti, P.S.-Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Lakhisarai.
3. The District Land Acquisition Officer-cum-Competent Officer, Lakhisarai.
4. The Circle Officer, Lakhisarai.
5. The Executive Engineer, Department of Road Construction, Lakhisarai.
6. Rajendra Prasad Singh, Son of Late Ram Laddu Singh, Resident of Village-Sahjadpur, P.S.-Barhaiya, District-Lakhisarai.
7. Sri Anand Vijay
8. Sri Amrendra Ajay Sl. Nos. 7 and 8 are Sons of late Ram Swaroop Singh Sl. Nos. 7 and 8 are Resident of Village-Sahjadpur, P.S.-Barhaiya District-Lakhisarai at Present West Karyanand Nagar, Purani Bazar, Lakhisarai.
9. Sihanti Devi, Wife of Rajendra Singh, Resident of Village-Dhirdanr Jwas, P.S.-Barhaiya, District-Lakhisarai at Present Karyanand Nagar, Purani Bazar, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Marigendra Kumar, Adv. Mr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. Tripurari Nath Ambastha, AC to SC26 Mr. Aryan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 16-06-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the State, Learned Counsel for the private respondent Nos.6-8 and respondent No.9.

2. Learned Counsel for the petitioners submits that the present writ petition has been filed with the following reliefs:-



A. To quash the order dated 17.09.2016 passed in Case No.40 of 2016-17 by the learned Collector, Lakhisarai (Annexure-4).

B. The respondent nos.1 to 5 be directed to pay compensation amount with statutory interest for their acquired lands by the respondent nos.1 to 5.

3. Counsel for the petitioners submits that the order dated 17.09.2016 passed by the Collector in Case No.40 of 2016-17, has not been in accordance with law. He further submits that this order is without jurisdiction and he is not competent authority under Bihar Raiyati Bhoomi Lease Niti, 2014 to pass such order, and therefore, this order may be set aside.

4. Counsel further submits that the land of the petitioners was subject matter of acquisition and he has to pass order in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) (hereinafter referred as RFCTLARR, 2013), but in place of passing order under Bihar Raiyati Bhoomi Lease Niti, 2014. He has passed order in which directing the parties to move before the civil court for declaration of the title and further directed that only after decision from the civil court, the proceeding for payment



of the compensation shall be made.

5. Counsel for the State submits that there is no need of any interference in the order passed by the Collector. He further submits that before the Collector, all the concerned parties were agreed that construction of road may be continued. The amount of compensation be deposited in the Court which shall be subject to payment after last order passed by the competent civil court.

6. Counsel for the State submits that the said order passed by the Collector in presence of the parties and their counsel and it is a consented order, therefore the said order cannot be challenged by the petitioners and this writ petition is fit to be dismissed.

7. Counsel for the private respondent submits that there were also purchaser of the said land in 2010 whereas petitioners are claiming compensation by virtue of purchase of the land in the year 2011.

8. Counsel for the respondent No.9 submits that a title suit bearing Title Suit No.07 of 2018 is pending before the court of Sub-judge, Lakhisarai in which present petitioners and other respondents were also party. He further submits that the stage of the proceeding has advanced and evidence is going on.



9. Counsel for petitioners in response thereof, submits that from the plaint, it transpires that petitioners are party respondents.

10. In the light of the submissions made, it transpires to this Court that Bihar Raiyati Bhoomi Lease Niti, 2014 has been prepared by virtue of Section 104 of RFCTLARR, 2013, therefore, the Bihar Raiyati Bhoomi Lease Niti, 2014 is well within the purview of new land acquisition act, (RFCTLARR, 2013).

11. It also transpires to this Court that order passed by the Collector dated 17.09.2016, is a consented order on which all parties have given their expressed consent as acknowledged by the Collector, Lakhisarai. The copy of the plaint has been presented before this Court by counsel for private respondent which is on record.

12. In the light of submissions made, it transpires to this Court that the Collector has passed a consented order and under Bihar Raiyati Bhoomi Lease Niti, 2014, it is well within his power to pass such order and it has itself developed under the RFCTLARR, 2013.

13. In this background, the present writ petition is hereby disposed off with direction that there is no need of any



interference in the order passed by the Collector *i.e.*, order dated 17.09.2016 passed by the Collector in Case No.40 of 2016-17. The payment of compensation shall be made subject to result of Title Suit No.07 of 2018 which is pending between the parties.

14. It is directed to the Sub-judge, Lakhisarai that he shall decide the said title suit without any further delay in accordance with law.

15. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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