

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.666 of 2017

In

Civil Writ Jurisdiction Case No.22732 of 2011

=====

Rajdeo Singh, Son of Late Ramji Singh, Resident of Village: Bharpura, P.O. and P.S. Sonepur, District- Saran.

... ... Petitioner-Appellant

Versus

1. The State of Bihar.
 2. The Principal Secretary, Land Acquisition Department, Govt. of Bihar, Patna.
 3. The Collector, Saran, Chapra.
 4. The District Land Acquisition Officer, Saran, Chapra.
-Respondents1st set/respondent 1 st set.
5. Panna Lal Kuer, Widow of Late Binda Sah @ Birda Nath Sah.
 6. Parshuram Sah.
 7. Shambhu Sah, Both sons of late Binda Sah @ Birda Nath Sah, Respondent No. 5 to 7 residents of Village: Bharpura, P.O. and P.S. Sonepur, District- Saran.

... ... Respondents 2 nd set/respondent 2 nd set.

=====

Original petitioner approached this Court by way of the aforesaid writ petition seeking a direction to the respondent not to pay the compensation amount to the an original respondent for the land in question, and the amount of compensation be directed to be paid to the original petitioner and one another person.

In the writ, the original petitioner failed to produce any document in support of his claim over the land in question and the original respondent produced documents in support of her claim, it was decided to pay the compensation to the original respondent.

Held - Decisions, which are relied upon by the learned Single Judge referred to in the impugned judgment, shall not be applicable to the facts of the case on hand as

the present application was not an application under Section 18 of the Land Acquisition Act and the dispute was between the original petitioner and the original respondent with respect to entitlement of the amount of compensation. - However, the dispute is required to be resolved through the Civil Court only before whom the ample opportunity shall be given to the parties to lead the evidence. As such, the relief which is sought in the petition is not required to be considered and granted in the exercise of powers under Article 226 of the Constitution of India. (Para 4)

Application is dismissed. (Para 5)

IN THE HIGH COURT OF JUDICATURE AT PATNA**Letters Patent Appeal No.666 of 2017****In****Civil Writ Jurisdiction Case No.22732 of 2011**

Rajdeo Singh, Son of Late Ramji Singh, Resident of Village: Bharpura, P.O. and P.S. Sonapur, District- Saran. Petitioner-Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Land Acquisition Department, Govt. of Bihar, Patna.
3. The Collector, Saran, Chapra.
4. The District Land Acquisition Officer, Saran, Chapra.
....Respondents 1st set/respondent 1st set.
5. Panna Lal Kuer, Widow of Late Binda Sah @ Birda Nath Sah.
6. Parshuram Sah,
7. Shambhu Sah, Both sons of late Binda Sah @ Birda Nath Sah, Respondent No. 5 to 7 residents of Village: Bharpura, P.O. and P.S. Sonapur, District- Saran. Respondents 2nd set/respondent 2nd set.

Appearance :

For the Appellant/s	:	Mr. Nagendra Rai, Advocate Mr. Navin Nikunj, Advocate
For the Respondent-State	:	Mr. Asif Kalim, AC to AAG-12
For Pvt. Respondents	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE**and****HONOURABLE MR. JUSTICE ASHUTOSH KUMAR****ORAL JUDGMENT****(Per: HONOURABLE THE CHIEF JUSTICE)****Date : 27-09-2018**

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 10th August, 2016 passed in CWJC No. 22732 of 2011, by which the learned Single Judge has dismissed the said petition and has refused to grant any relief prayed in the petition, the original petitioner has preferred the present Letters Patent Appeal.

2. At the outset, it is required to be noted that the original petitioner approached this Court by way of the aforesaid



writ petition seeking a direction to the respondent-State authorities not to pay the compensation amount to the original respondent no.5 for the land in question, bearing Plot No. 2188, appertaining to Khata no. 942, area 1 Katha, situated at village Bharpura, P.S. Sonapur, District-Saran, and the amount of compensation be directed to be paid to the original petitioner and one Shri Rajeshwar Singh only.

3. It is required to be noted that according to the State, before the learned Single Judge it was the case on behalf of the State that as the original petitioner failed to produce any document in support of his claim over the land in question and original respondent no.5 produced documents in support of her claim, it was decided to pay the compensation to the original respondent no.5. Therefore, the original petitioner approached this Court by way of present petition. The same has been rejected by the learned Single Judge.

4. Having heard learned counsel appearing on behalf of the respective parties and considering the impugned judgment and order, we are of the opinion that learned counsel appearing on behalf of the appellant is justified in submitting that the decisions, which are relied upon by the learned Single Judge referred to in the impugned judgment, shall not be applicable to the facts of the



case on hand as the present application was not an application under Section 18 of the Land Acquisition Act and the dispute was *inter se* between the original petitioner and the original respondent no.5 with respect to entitlement of the amount of compensation. However, at the same time, considering the fact that the dispute is with respect to *inter se* claim of compensation between the original petitioner and the original respondent no.5, more particularly, with respect to the amount of compensation, the dispute is required to be resolved through the Civil Court only before whom the ample opportunity shall be given to the parties to lead the evidence. As such, the relief which is sought in the petition is not required to be considered and granted in the exercise of powers under Article 226 of the Constitution of India.

5. With the aforesaid observation, the present Letters Patent Appeal stands dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Sunil/-s.shukla

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2018
Transmission Date	

