

Patna High Court - Orders

Fazlur Rahman vs The State Of Bihar & Ors on 19 November, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC NO.18720 OF 2010

FAZLUR RAHMAN, SON OF LATE GHULAM RABBANI, PERMANENT RESIDENT
OF VILLAGE DEHTI, POLICE STATION PALASI, DISTRICT ARARIA. AT
PRESENT, RESIDENT OF RAHIKA TOLA, WARD NO. 19, NAGAR PARISHAD,
ARARIA, POLICE STATION ARARIA, DISTRICT ARARIA

VERSUS

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE, ARARIA
3. ATHE DISTRICT LAND ACQUISITION OFFICER, ARARIA
4. THE ADDITIONAL COLLECTOR -CUM- ARBITRATOR, PURNEA
5. THE PROJECT DIRECTION, NATIONAL HIGHWAY AUTHORITY OF INDIA,
FOUR LANE ROAD, N.H. 51, PURNEA
6. THE CIRCLE OFFICER, PALASI, DISTRICT ARARIA

2 19/11/2010 The petitioner is aggrieved by the fact that the gazette notification declaring that lands of the petitioner are to be acquired, was defective. The main objection is that the lands in question have been described as agricultural lands, whereas the petitioner claims that his lands are homestead lands. During the acquisition proceeding, a valuation chart was prepared which is also said to be defective. In the valuation chart, the name of Imamuddin has been included. Imamuddin has filed an affidavit before the Land Acquisition Officer that he has no title over the lands in question. The Land Acquisition Officer has directed the Circle Officer to make an enquiry. Subsequently, an enquiry was made by the Halka Karamchari, which is contained in Annexure 14, which indicates that Jamabandi No. 348 runs in the name of Shri Fazlur Rahman, whereas Khata No. 43, Plot Nos. 105 & 107 measuring 3.54 acres & 3.36 acres respectively run in the name of Bibi Farzana Khatoun.

The Land Acquisition Officer should take into account the report of the Halka Karamchari and the affidavit filed by the said Imamuddin and pass appropriate orders within a period of six weeks from the date of receipt/production of a copy of this order.

The objection with respect to the value of the lands can be raised by the petitioner in terms of Section 3G of the National Highway Act, 1956.

After the Land Acquisition Officer disposes of the objection of the petitioner, he is directed to prepare the award on the basis of his finding, within a period of six weeks thereafter.

The National Highways Authorities would obviously be required to deposit the necessary amount in order to facilitate payment in lieu of the acquisition proceeding.

If the petitioner files an objection regarding the value of the land, the same should be disposed of by the concerned authority, as per Section 3G of the National Highways Act, 1956 within a reasonable time.

This writ application is disposed of with the aforesaid observations and directions.

Anand

(Sheema Ali Khan, J.)