

In The Court of Commissioner, Saran Division, Chapra

B.L.D.R. Appeal No. 255/2012

**Ajay Singh
Vrs.**

Sudama Singh & ors.

ORDER

15.2.16 — The instant appeal petition is directed against the impugned order passed by DCLR, Maharajganj in case No. 91/2012-13 on 23.08.2012.

The brief facts of the case are that a case bearing No. 91/2012-13 was initiated by DCLR pursuant to a letter sent by District Land Acquisition officer, Siwan vide letter No. 95 dt. 13.07.2012. Thereafter, a proceeding under BLDR Act-2009 was stated. In the said case, the claim of the present appellant was that the disputed piece of land measuring 1 bigha 4 katha 15 dhur of survey plot No. 989, khata No. 82 situated in vill-Sarhari was recorded in the khatyan in the name of Dhanpati Kuwar W/o Ram Nandan Ray and the present respondents having no concern with the khatiyani raiyat but the respondents were bent upon to get compensation for the said land which has been acquired by the railway. Then the learned DCLR after hearing the parties, finally vide order dt. 23.08.2012 rejected the claim of the present appellant. Feeling aggrieved by the said order the present appellant has preferred this appeal case before this Court.

Heard the learned counsel for the parties at length. Both parties submitted in details about their respective claim over the disputed land either on the basis of entry made in khatyan, geneology of the family, rent receipt, voter list and sikmi khata. It is seen that the learned DCLR in impugned order, has already decided as to which party is entitled to get compensation. It is true that such issue ought not have been decided under the BLDR Act. But since it has been already decided regarding the rightful recipient of the compensation, the only way left for the aggrieved party is to approach the competent Civil Court.

With the aforesaid observations and direction, this appeal petition is accordingly disposed of.

Dictated and Corrected by me.

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Commissioner,
Saran Division, Chapra

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Commissioner,
Saran Division, Chapra