

**IN THE HIGH COURT OF JUDICATURE AT
PATNA
Civil Writ Jurisdiction Case No.21726 of 2013**

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Smt. Indu Devi, W/O Sri Kamleshwar Kishor Sinha, Resident Of Village-
Dharhara, P.S- Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Patna
2. Public Information Officer cum Additional Land Acquisition Officer,
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kishor

For the Respondent/s : Mr. Amitabh Bhardwaj A.C. to S.C.12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-12-2015

Heard the parties.

The grievance of the petitioner in the present writ petition is that though the land belonging to the petitioner was acquired by the State of Bihar and its functionaries by virtue of the notification dated 29.04.2006 issued under Section 4 read with Section 17(4) of The Land Acquisition Act, 1894, but adequate compensation has not been paid to the petitioner.

The learned counsel appearing on behalf of the petitioner submits that for redressal of her valid grievances the petitioner filed several representation before the District Collector and District Lands Acquisition Officer, Patna, but her grievances have not been redressed till date.

A counter affidavit has been filed on behalf of the respondent No. 1 and 2. The learned State Counsel, by referring to the averments made in para-4 of the aforesaid counter affidavit , submits that the claims for higher amount of compensation to the

petitioner is under consideration before the competent authority. In the aforesaid para-4 of the counter affidavit, it has further been stated that the compensation admissible to the petitioner shall be revised under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In view of the nature of grievances raised on behalf of the petitioner and in view of the averments made in the aforesaid counter affidavit, the petitioner is directed to appear before the District Magistrate, Patna, with a fresh representation with all supporting documents in support of her valid claims, which have been raised in the present writ petition.

If the petitioner appears before the District Magistrate, Patna, in the manner indicated above, within a period of one month from today with a certified copy of the present order, then the District Magistrate, Patna, either himself or any other competent authority of the respondent State, so authorised by him, shall be obliged to consider and decide the claims of the petitioner, after giving an opportunity of hearing to all concerned including the petitioner, by a reasoned and speaking order, at an early date preferably within a period of three months from the date of appearance of the petitioner.

If on consideration of materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to her, then consequential order shall also be issued for grant of such admissible claims to the petitioner without any unnecessary further delay.

It is clarified that while passing the final order, the competent authority shall bear in mind the averments made in the

counter affidavit filed on behalf of the respondent No. 1 and 2 in the present proceeding.

The writ petition stands disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

B. Tiwary / ajaypd./-

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