

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10738 of 2011

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Bindeshwari Singh, son of late Raghunath Singh, resident of village-Gara,
Mauza-Naula, P.S.-Bhagwanpur, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Revenue and Land Reforms Department, Bihar,
Patna.
3. Land Reform Commissioner-cum-Commissioner and Secretary Revenue
and Land Reform Department, Bihar, Patna.
4. Commissioner, Munger.
5. The District Magistrate, Begusarai.
6. The District Land Acquisition Officer, Begusarai.
7. The Executive Engineer, PWD (Road Construction Department),
Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.K.Tiwari

Mr. Raj Dular Sah

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 01-09-2015

Heard the parties.

The grievance of the petitioner in the present writ petition is that, though a land acquisition proceeding was started under the provisions of The Land Acquisition Act, 1894 (in short 'Old Act') against the father of the petitioner for acquiring the lands in question and an award was prepared way back on 14.10.1987, but the compensation amount was not paid to the deceased father of the petitioner. The said amount has not been paid even to the petitioner after death of his father in the year 2011.

It is submitted that, in above view of the matter, the aforesaid land acquisition proceeding shall be deemed to have lapsed in terms of Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 (in short 'New Act').

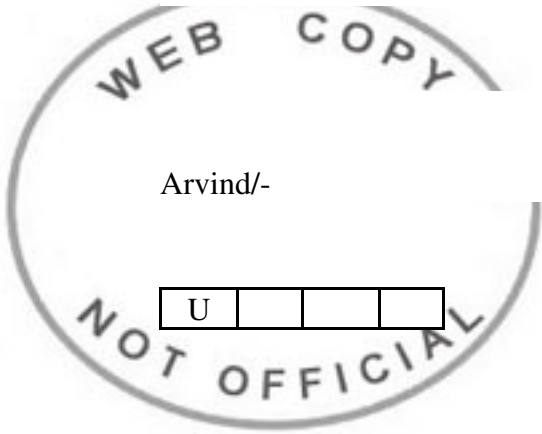
Learned AC to AG appearing on behalf of the respondents has contested the matter and, by referring to the averments made in the counter affidavit as also supplementary counter affidavit filed on behalf of the respondent nos.5 and 6, submits that the petitioner is entitled to receive compensation amount under the provisions of the Old Act itself inspite of the provisions contained in Section 24(2) Proviso of the New Act.

In view of the dispute regarding factual matrixes, which is apparent from the pleadings of the writ petitioner as also the respondents, this Court is of the opinion that the petitioner, at the first instance, should raise all the issues of facts and law, which may be available to him, before the District Collector, Begusarai with all supporting documents in support of his claims. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of four weeks from today with a certified copy of the present order, then the District Collector, Begusarai either himself or any other competent authority of the respondent State shall examine and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of the representation by the petitioner.

If on examination of the materials, the District Collector, Begusarai either himself or any other competent authority of the respondent State comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential benefits shall be granted to him without any unnecessary further delay.

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



(Birendra Prasad Verma, J)