

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2825 of 2015

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1. Neela Devi, W/o Dilip Choudhary.
 2. Geeta Devi, W/o Bipin Chaudhary.
- Both are residents of Village-Gousi Chapra, P.S.-Kanti, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue & Land Reforms (Directorate of Land Acquisition), Government of Bihar, Patna.
3. The District Collector, Muzaffarpur.
4. The District Land Acquisition Officer, Muzaffarpur.
5. The Circle Officer, Block-Kanti, District-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 27-07-2015 Heard the parties.

The complaint of the petitioners is that the compensation payable for the plots of land so acquired by the respondents is not just and proper. In substance it is the adequacy of the compensation amount which is put to question in this writ petition. Apart therefrom, the decision of the District Land Acquisition Officer, Muzaffarpur bearing Memo no.403 dated 20.5.2014 which is impugned in this writ petition manifests that the petitioners also have not produced any supportive papers regarding title and possession in respect of plot no.146.



It is needful to mention that compensation admissible in respect of plot nos.145 and 146 having an area of 0.55 and 0.43 decimals respectively in Mauza Gausi Chapra, Circle-Kanti in the district of Muzaffarpur is in consideration before this Court.

It is the contention of the petitioners that while the adjacent plot bearing plot no.148 has been treated as residential their plots i.e. 145 and 146 being in better position have been treated as 'Dhanhar'. It is further the complaint of the petitioners that while 80% of compensation has been paid for plot no.145 and 20% is pending, no compensation is paid for plot no.146.

A counter affidavit has been filed on behalf of the respondents and Annexure-A/1 thereof completely demolishes the stand of the petitioners in so far as discrimination on classification is concerned, inasmuch as all the three plots i.e. plot nos.145, 146 and 148 are reported as 'Dhanhar' on the basis of spot enquiry. Thus the complaint on classification is not sustainable.

In so far as the payment of balance 20 per cent of compensation in plot no.145 is concerned, it is the stand of the respondents that the same is going to be paid under the

provisions of the '2013 Act' and for which a committee has been constituted. The respondents would be well advised to expedite the payment.

In so far non-payment of compensation in respect of plot no.146 is concerned, it is manifest that the petitioners have not produced papers supporting their title. It is the duty of the petitioners to produce the necessary papers supporting title and possession and which shall be considered by the Land Acquisition Officer and who will dispose of their claim thereafter expeditiously.

In so far as adequacy of compensation is concerned, the remedy for the petitioners lies under section 18 of the Land Acquisition Act, 1894/section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '2013 Act'), and the petitioners, if so advised, may take recourse to the said remedy.

With the aforesaid observations, the writ petition is disposed of.

(Jyoti Saran, J)

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