

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.159 of 2015

In

Civil Writ Jurisdiction Case No. 6412 of 2014

=====

Lallan Pandey, son of Late Anirudh Pandey, resident of village –
Jigani, P.O. Alampur, P.S. Baddi (Shivsagar), District – Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Disaster Management Department,
Government of Bihar, Patna.
3. The Principal Secretary, Revenue Land Reforms
Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department,
Government of Bihar, Patna.
5. The District Magistrate, Rohtas.
6. The Additional Collector, Rohtas at Sasaram.
7. The Land Acquisition Officer, Rohtas at Sasaram.
8. The Special Land Acquisition Officer, Sone Scheme,
Sasaram.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Respondent/s : Mr. Devendra Kr Sinha

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3. 11-11-2016

After the order of this Court passed in these

review proceedings dated 27.01.2016, State has filed
second supplementary counter affidavit through
respondent no. 8 on or about 22.09.2016. It is stated
therein that the compensation, as payable to the writ
petitioner, has been recalculated under the provisions of
the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act,

2013 (hereinafter referred to as the “new Act”), and difference has already been paid to the petitioner. Evidences whereof have been given.

The writ petition was filed for compensation under the new Act. This Court held that as the award had been prepared before the new Act was in force in terms of the provisions of the new Act itself, the compensation was payable as per the provisions of the old Act.

By this review petition, petitioner brought to the notice of this Court that, in fact, State Government had itself clarified the position. To the contrary, the State Government had clearly held that where awards were made under old Land Acquisition Act, but no substantial payment had been made before the Act was repealed and replaced by the new Act. This was the circular of the State Government issued in the year 2014.

Accordingly, the review of the judgment was sought for. Noticing this fact, this review application was adjourned for the State to take a stand. The second supplementary counter affidavit is in view of the aforesaid, wherein the State purported to recalculate



the compensation on the basis of the provisions of the new Act.

Having done so, if the petitioner now has any objection as to the valuation or any calculation as made, it would be open for him to take recourse of law as prescribed.

With this observation, this application stands disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/-

U			
---	--	--	--