

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7734 of 2014

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1. Priya Barat Rawat
 2. Shailendra Rawat
 3. Umesh Rawat
 4. Jai Prakash Rawat, SI Nos. 1 to 4 are sons of Late Mathura Rawat
 5. Mithun Kumar S/o Late Deobrat Rawat
 6. Sanjay Kumar S/o Late Satya Brat Rawat, All are resident of Village and PS Gidhaur, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
3. The Secretary, Department of Land Acquisition, Bihar, Patna
4. The Divisional Commissioner, Munger Division, Munger
5. The District Magistrate, Jamui-cum-District Elections Officer, Jamui
6. The Additional Collector Land Reforms-cum-Land Acquisition Officer, Jamui
7. The Sub-divisional Officer, Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Respondent/s : Mr. Binay Kumar, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-03-2016 Heard the parties.

The claim of the petitioners is that the lands, which have been acquired by the State authorities, fully detailed in paragraph no.1 of the writ petition, ought to have been treated as commercial land, but they have not been paid adequate and appropriate compensation for the lands so acquired.

The learned counsel appearing on behalf of the petitioners submits that the petitioners filed several representations before the authorities concerned for redressal of their valid grievances/ claims, but the matter has not been referred to the civil court for adjudication of their grievances/ claims for payment of higher amount of compensation.

The learned AC to SC-4, appearing on behalf of the respondents, on the other hand, submits that no petition was filed on behalf of the petitioners in terms of Section 18 of The Land Acquisition Act, 1894 (In short 'the Act, 1894') for reference of the matter to the civil court.

In above view of the matter, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the Collector under the Act, 1894 for reference of the matter to the civil court for its determination in terms of Section 18 of the Act, 1894, so that their valid grievances are redressed.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It goes without saying that if an appropriate petition is filed on behalf of the petitioners before the Collector within a period of one month from today with a certified copy of the present order for reference of the matter to the civil court for its determination in terms of Section 18 of the Act, 1894, then the same shall be considered and decided in accordance with law.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition and this is left to be decided by the competent authority strictly in accordance with law.

(Birendra Prasad Verma, J)

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