

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6742 of 2014

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1. Shabbir Ahmad
2. Izhar Ahmad
Both S/O Late Motia Rab Khan, R/O Village - Jamalpur, P.O. + P.S. -
Jamalpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Patna.
2. Executive Engineer, Electric Supply Sub-Division, Darbhanga.
3. The Additional Secretary, Revenue and Land Reforms Development,
Govt. of Bihar, (Directorate Land Acquisition, Patna).
4. The District Land Acquisition Officer, Darbhanga.
5. The District Magistrate, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. S. Alam, Adv.
Mr. Anjum Perveen, Adv.
Mr. S.F. Ahmad, Adv.
For the Respondent nos.1&2:Mr. Anand Kumar Ojha, Addl. S.C.
Mr.Ashok Kumar Karn, Adv.
For the Respondent nos.3to5:Mr.Ajay Kumar Sharma, AC to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-11-2016 Heard the parties.

The grievance of the petitioners in the present writ petition, filed under Article 226 of the Constitution of India, is that though the lands belonging to them have been acquired by the State government for establishment of Power Sub-Station at village-Jamalpur, Anchal-Kiratpur, District-Darbhanga, but they have not been paid adequate amount of compensation.

It is not in dispute that a land acquisition proceeding was started for acquisition of the lands in question under the provisions of The Land Acquisition Act, 1894, but the award could not be prepared by the Collector on or before 01.01.2014 when the aforesaid Act was repealed and altogether a new Act

namely The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'Act, 2013') came into force.

Under the mandate of Section 24 of the Act, 2013, now, indisputably, an award has been prepared on 31.10.2014 by the Collector and the interested persons have been held entitled to receive the compensation amount to the tune of Rs.17,33,573/-. A copy of the aforesaid award has been brought on the record as Annexure-8 to the rejoinder affidavit filed on behalf of the petitioners.

The learned counsel appearing on behalf of the petitioners submits that the amount of compensation so fixed under the provisions of the Act, 2013 is not adequate. He further submits that the amount of compensation, so determined, has not been received by the petitioners till date.

The learned AC to PAAG-1 appearing on behalf of the respondent nos.3 to 5, on the other hand, submits that if the petitioners are at all aggrieved with the award amount, then they have remedy under Section 64 of the Act, 2013 and they may seek reference of the matter by the Collector to the Authority.

In view of the aforesaid submissions made on behalf of the parties, the present writ petition is disposed of with a liberty to the petitioners to file an appropriate petition under Section 64 of the Act, 2013 before the respondent Collector, Darbhanga within a period of two weeks from today. If such a petition is filed on behalf of the petitioners, then the respondent Collector, Darbhanga shall pass an appropriate order for referring the matter to the Authority in terms of Section 64 of the Act, 2013, whereafter the claim of the petitioners shall be considered and decided in

accordance with law by the Authority.

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

(Birendra Prasad Verma, J)

Arvind/-

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