

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.712 of 2012

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1. Mahendra Singh S/O Late Ram Prasad Singh R/O Village
Fatehpur, P.S.Didarganj, Distt-Patna
 2. Saryug Singh S/O Late Ram Parikshan Singh
 3. Shankar Singh S/O Late Ramdeo Singh
 4. Dilip Kumar Singh S/O Late Rambali Singh
All resident of village Fatehpur, P.S.Didarganj, Distt-Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector Patna
3. The Director Land Acquisition Bihar, New Secretariat, Patna, Bihar
4. The District Land Acquisition Officer, Patna
5. The Municipal Commissioner, Patna Municipal Corporation Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Laxmi Narayan Das
 For the PMC : Mr. Sanjay Prakash Verma
 For the State : Mr. AC to AG

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

09 08.03.2017

1. Heard the parties.

2. Present petition was filed in the year 2012 seeking relief for issuance of direction to respondents to rescind the notification no. 1726 dated 31.7.2007 contained at annexure A of the counter affidavit filed on behalf of the respondent nos.2 and 4 but during the pendency of this writ petition the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 came into force with effect from 01.01.2014.

3. Para 8 of the counter affidavit filed on behalf of the respondent nos.2 and 4 goes to show that up till now, award has not been prepared and the concerned authorities are working out under the provision of New Act.



4. Learned counsel appearing for the petitioners submits that this petition may be disposed of directing respondent nos.2 and 4 to determine the value of the land in accordance with New Act keeping in mind section 26 of the aforesaid Act.

5. Learned AC to Advocate General appearing for the State fairly concedes this fact that up till now, award has not been prepared and the concerned officials are working out keeping in mind the provision of New Act.

6. In view of the aforesaid submissions, this writ petition stands disposed of directing respondent nos.2 and 4, the Collector, Patna and the District Land Acquisition Officer, Patna to re-determine value of the proposed land keeping in mind the provision of new Act, particularly, section 26 of the above stated Act.

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(Hemant Kumar Srivastava, J)

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