

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14430 of 2014**

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1. Pun Pun Nahar Priyोजना Kisan Sangharsh Samiti Masaurhi, Patna through its Secretary Sri Arvind Kumar Singh

2. Arvind Kumar Singh, aged about 64 years S/o Late Ram Lakhan Singh Resident of Village Sarbadahi, P.S. Masaurhi, District Patna, Secretary Pun Pun Nahar Priyोजना Kisan Sangharsh Samiti, Masaurhi, Patna.

3. Dharmasheela Devi W/o Sri Uday Kumar Singh Resident of Village Shahabad, P.S. Masaurhi, District Patna.

.... .... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.

2. The Secretary, Water Resources Dept. Government of Bihar, Patna.

3. The Collector, Patna.

4. The Special Land Acquisition Officer, Flood Protection Scheme, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.  
Mr. Prakritita Sharma, Adv.

For the State : Mr. Jitendra Kumar, AC to AAG-14

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

2      14-09-2017                      Heard the parties.

The lands of several villages were notified for acquisition in the year 2008 Subsequently, the award was prepared in the year 2011 but compensation were made to a very few beneficiaries. However, in the meantime, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 01.01.2014.

The grievance of the petitioners is that petitioners and



other villagers, whom lands were acquired in the year 2008 for construction of canal under Hamid Nagar Project, are entitled to get compensation and other benefits as provided under New Act, 2013.

The State has filed counter affidavit and at para-9, it has been admitted that seven villages of Masaurhi Anchal are entitled for calculation of compensation on the basis of New Act, 2013. The State annexed Annexure-C to the counter affidavit giving details of those villages and percentage of the beneficiaries who have already got compensation amount. From perusal of Annexure-C, it is obvious that till 31.12.2013, 3 % beneficiaries of Village Sarbadhi got compensation amount, 45 % beneficiaries of Village Sahabad got compensation amount, 16 % beneficiaries of Village Lakhnaur got compensation amount, 4 % beneficiaries of Village Chhappan got compensation amount, 4 % beneficiaries of Village Poawan got compensation amount, 13 % beneficiaries of Village Bilauti got compensation amount, 9 % beneficiaries of Village Baliyari got compensation amount and 37 % beneficiaries of Village Godhna got compensation amount. Therefore, it is obvious that majority of beneficiaries of aforesaid villages have not got the compensation amount. Moreover, Annexure-D to the counter affidavit reveals that Principal Secretary, Revenue and



Land Reforms Department, Government of Bihar issued letter dated 26.02.2014 to all the Commissioners and Collectors of the State directing them to determine the amount of compensation strictly in the light of Section 24 of New Act, 2013 as well as decision rendered by the Apex Court of this country in Pune Municipal Corporation vs. Harakchand Mishrimal Solanki & Ors. passed on 24.01.2014 in Civil Appeal No. 877 of 2014.

Therefore, in the aforesaid circumstance, this writ petition stands disposed of directing the respondents no. 3 and 4 to take decision in respect of grievances of the petitioners keeping in mind the specific provision of Section 24 of New Act, 2013 as well as letter dated 26.02.2014 issued by the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar and determine the compensation amount and also ensure the payment in accordance with law within four months from the date of receipt/production of copy of this order.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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