

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.891 of 2015

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1. Vidya Sagar Gupta son of Late Madan Gopal Gupta Resident of Mohalla Masjid Chowk , P.S. Hajipur Town , District Vaishali
2. Arun Kumar son of Late Ram Ishwar Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
3. Basu Rai son of Late Dular Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
4. Ram Chandra Rai son of Late Chalitra Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
5. Mittan Rai son of Late Ram Ashish Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
6. Rajdeo Rai son of Bhekha Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
7. Kailashiya Devi Wife of Late Yugeshwar Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
8. Ganesh Rai son of Late Brahmdeo Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
9. Manjay Kumar son of Mishri Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
10. Jawahar Sah son of Late Vishwanath Sah Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
11. Anil Kumar Sah son of Jawahar Sah Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
12. Kamleshwar Rai son of Shri Baidyanath Rai Resident of village Manora , P.O.Bibipur , P.S. (Belsar O.P.) Vaishali District Vaishali
13. Umesh Kumar Arun son of Shri Baidyanath Rai Resident of village Manora , P.O.Bibipur , P.S. (Belsar O.P.) Vaishali District Vaishali
14. Shyam Kumar son of Rameshwar Sah Resident of village Kushwaha Dharampur , Ward No. 19 , P.O. Mahnar, P.S. Mahnar , District Vaishali
15. Rajeev Ramjan Sah alias Arjun Sah son of Jawahar Sah Resident of Mohalla Anwarpur Purni, P.O.P.S. Hajipur Sadar , District Vaishali
16. Shankar Rai son of Late Bhekha Rai Resident of village Daulatpur , P.O. Subhai, P.S. Sadar Hajipur , District Vaishali
17. Meena Devi wife of Nawal Kishor Thakur Resident of village Dighi Kalan , P.O. Sadar Hajipur , P.S. Sadar Hajipur, District Vaishali

.... Petitioners

Versus

1. The State of Bihar, through the Secretary of Land Revenue and Land Reforms, Old Secretariat, Patna
2. The Director, Land Acquisition, Directorate of Land Aquisition, Ministry of Revenue and Land Reforms, Govt. of Bihar , Patna
3. The Competent Authority-cum- District Land Aquisition Officer, Vaishali at Hajipur
4. The Collector, Vaishali at Hajipur.
5. The Circle officer, Hajipur Sadar , District Vaishali at Hajipur.



.... Respondents

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Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate
For the Respondents : Mr. Ajit Pratap Singh, SC15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-10-2017

The present writ petition has been filed for the following
reliefs-

- i) To hold and declare that the land measuring an area of 1.24 Acre of Daulatpur, Dewariya Mauza, 1.2 Acre of Dighi Kala Mauza and 2.63 Acre of Chak Sharifabad Mauza acquired by the respondents for the purpose of construction of Industrial Training Institute at Hajipur (hereinafter referred to as I.T.I.) contrary to the provisions of Section 17(4) of the Land Acquisition Act (hereinafter referred to as 'the Act') which have been wrongly imparted the emergency provision by the respondents concerned only to deprive them of opportunity to object.
- ii) To hold and declare that depriving these petitioners for filing an objection under the provisions of Section 5A of the Act against whom lands have been acquired under the provision of Section 17(4) of the Act by the respondents concerned is completely illegal, erroneous, *mala fide* and malicious and colourable exercise of power.
- iii) To issue order/orders, direction/directions or a writ/writs in the nature of mandamus commanding upon the respondents concerned



to determine compensation and make payment to these petitioners compensation as per the provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as in the case of others whose lands have also been acquired under the same notification under Section 11 of the Act.

iv) To issue an order/orders, direction/directions or a writ/writs in the nature of mandamus commanding upon the respondents concerned to calculate the amount of compensation on the basis of valuation as on 24.01.2014 as in the case of other persons whose lands have been acquired for the same purpose as per orders of this Hon'ble Court dated 24.06.2014 passed in CWJC No. 23984 of 2013 as provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in favour of these petitioners who have already received part amount of compensation under protest against their respective lands which had been acquired by the respondents for the construction of I.T.I. at Hajipur, Vaishali.

v) For grant of any other relief/reliefs to which the petitioners are found to be entitled for.

2. Learned counsel for the petitioners submits that the petitioners are entitled to compensation according to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'), but the



same has been offered under the Land Acquisition Act, 1894 and for which a representation has also been filed before the Land Acquisition Officer, Vaishali at Hajipur on 12.09.2014 (Annexure-7).

3. Learned counsel for the petitioners has not enclosed a copy of the award to show that the same has been passed after coming into force of the 2013 Act. He sought to take recourse of proviso to Section 24(2) of the 2013 Act to submit that compensation would be payable in accordance with the 2013 Act, if compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries. Learned counsel for the petitioners however, was unable to demonstrate that the compensation in respect of a majority of the land holdings had not been so deposited. Reliance on the letter No. 328 dated 09.09.2014 (Annexure-5) does not also bring out this fact clearly in support of the petitioners.

4. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.11.2017
Transmission Date	N.A.

