

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16828 of 2014

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1. Bhola Singh
 2. Kamaldeo Singh Both Sons of Lal Bihari Singh, resident of village Gangeli, P.O. Gangeli P.S. Barhara, District- Purnea
 3. Ramchandra Singh, son of Gulchandra Singh, resident of village Gangeli, Naya Tola, Rahika Tola, P.O. Gangeli P.S. Barhara, District- Purnea
 4. Dharmendra Singh
 5. Rajesh Kumar Singh
 6. Rajkumar Singh All sons of Ram Bahadur Singh, Gangeli, Naya Tola, P.O. Gangeli P.S. Barhara, District- Purnea
 7. Ganeshi Prasad Singh @ Ganesh Singh, son of Shippu Singh,
 8. Urmila Devi, Wife of Ganeshi Prasad Singh @ Ganesh Singh, Both resident of village -Gangeli, Naya Tola, P.O. Gangeli P.S. Barhara, District- Purnea
 9. Prakash Chandra Goshwami @ Prakash Goshwami, Son of Bhudev Goshwami, resident of village -Gangeli, Naya Tola, P.O. Gangeli P.S. Barhara, District- Purnea
 10. Updesh Prasad Singh, Son of Late Ayodhya Prasad Singh, resident of village -Gangeli, Naya Tola, P.O. Gangeli P.S. Barhara, District- Purnea
 11. Naresh Prasad Singh, Son of Shew Narayan Singh, resident of village -Gangeli, P.O. Gangeli P.S. Barhara, District- Purnea
 12. Harihar Sah, son of Late Ganeshi Sah, resident of village -Gangeli, Naya Tola, P.O. Gangeli P.S. Barhara, District- Purnea

.... Petitioners

Versus

1. The State of Bihar through the Director, Land Acquisition Department, Bihar, Patna
2. The Collector, Katihar
3. The District Land Acquisition Officer, Katihar

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Adv. Mr. Sumit Kr. Adv. Mr. Vijay Shankar Tiwari, Adv.
For the Respondents	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL JUDGMENT
Date: 17-10-2017

Heard learned counsel for the petitioners as well as
learned counsel for the respondents.

2. Admittedly, the lands of petitioners were acquired and



the notification for acquisition of lands was published on 18.10.2012. Subsequently, the award was also prepared and notice under Section 12(2) of Land Acquisition Act, 1894 was issued to the petitioners. The petitioners appeared before the Collector and produced their respective documents of title and interest over the land but they were not satisfied by the amount fixed by the Collector and thereafter they filed present writ petition on 22.09.2014 praying therein for issuance of direction to concerned authorities to fix the compensation amount of lands of the petitioners at the rate of market value as prevalent in the concerned area at the time of fixation of compensation amount.

3. It is an admitted position that up till now, the compensation amount has not been paid to the petitioners and it is also an admitted position that Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the “Act 2013”) has come into force from 01.01.2014 and the proviso of Section 24 of the Act 2013 says that “Where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act. Therefore, the aforesaid proviso goes to



show that if the compensation has not been paid to the beneficiaries at the time of commencement of Act 2013, the beneficiaries shall be entitled to take compensation in accordance with the provisions of this Act.

4. In view of the aforesaid facts and circumstances, this writ petition stands disposed of giving direction to respondent no. 2 and 3 to look into the matter afresh and determine the compensation of lands of the petitioners in accordance with law keeping in mind relevant provisions of Act 2013 within three months from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.10.2017
Transmission Date	N.A.

