

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21758 of 2014

=====

1. Ghanshyam Yadav Son of Shivashray Yadav
2. Ganesh Yadav Son of Late Mahendra Yadav
Both resident of village - Dhanraj Chhapra, P.O.- Saidabad, Police Station - Rani Talab (Bikram) District- Patna.

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Land Reforms, Government of Bihar, Patna.
3. The Secretary, Revenue and Land Reforms Department, Land Acquisition Directorate, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Additional Collector, Patna.
7. The District Land Acquisition Officer, Patna.
8. The Special Land Acquisition Officer, Patna Flood Protection Project, Patna.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Rajib Ranjan Jha, Advocate

For the Respondents : Mr. H.S. Roy, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

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

2. The present writ petition has been filed for a direction to the respondents to make payment of compensation at the revised rate to the petitioners in view of the acquisition of land under the provisions of Land Acquisition Act 1 of 1984 measuring an area 0.07 decimals of land in different plot numbers acquired for construction of extension of *Dhana-Pareb Channel* situated in Mauza Lahladpur, P.S. Bikram, District Patna also which is agricultural land which also



contains about 20 threes of *Sheesham* only, whereas other persons have got enhanced rate of compensation and/or issuance of appropriate consequential writ or writs to pay panel as well as statutory interest thereon since land has been acquired in the year 2007 whereas compensation was paid in the year 2012 and for issuance of any other consequential writ or writs under the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that land of the petitioners has been acquired for construction of extension of *Dhana-Pareb Channel* situated in Mauza Lahladpur, P.S. Bikram, District Patna but however, the amount of compensation has to be paid at the revised rate and the petitioners were entitled to receive Rs. 20,000/- per decimal on the agricultural land. It is also claimed that under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, persons voluntarily offering the land are entitled to 60% solatium which has also not been granted.

4. Learned counsel for the respondents appears and has been heard.

5. On being pointed out, learned counsel for the petitioners fairly accepts that statutory remedy under Section 64 of the Land Acquisition Act is available for redressal of their grievances raised in the writ petition.

6. In the above view of the matter, the present writ petition



is disposed of, granting liberty to the petitioners to approach the Collector, Patna in terms of Section 64 of the aforesaid Act for referring the matter for determination by the appropriate authority.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.10.2017
Transmission Date	N.A

