

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17464 of 2011

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Rakesh Kumar, son of Late Dineshwar Prasad Singh, resident of Village & P.O. Amhara, P.S. Bihta, Dist. Patna.

.... Petitioner

Versus

1. The State Of Bihar
2. The Collector Cum District Magistrate, Patna.
3. The District Land Acquisition Officer, Patna.
- 4(a) Shyam Kumar, Son of Late Asha Devi and Muneshwar Kumar
- 4(b) Nisha Rani, D/o late Asha Devi and Muneshwar Kumar, W/o Bittu Singh, resident of Village Dihri, P.O. Tara Nagar, P.S. Bihta, Dist. Patna.

.... Respondents

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with

Civil Writ Jurisdiction Case No.1049 of 2016

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Meena Devi, wife of Rakesh Kumar, Resident of Village & Post Office- Amhara, Police Station- Bihta, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector-cum-District Magistrate, Patna
3. The District Land Acquisition Officer, Patna.
4. Shyam Kumar son of Late Asha Devi and Muneshwar Kumar (Legal Heirs of late Renu Devi @ Jhunni Devi), R/o Village- Sirwar P.O.- Gopalpur, P.S.- Naubatpur, District- Patna. at present R/o Bakarganj Bajaja, Near Bihar Bakery, P.S.- Pirbahore, P.O.- Bankipur, District- Patna.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. K.N. Choubey, Sr. Adv. Mr. Naresh Ch. Verma, Adv. Mr. Ram Kumar Singh, Adv. Mr. Natraj Verma, Adv.
For the State	:	Md. Khurshid Alam, AG-12 Md. Naseem Mukhtar Md. Majid Mahboob Khan
For the Intervener	:	Dr. Amrendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

17 25-07-2017

Both the above stated petitions have taken together and



accordingly, both the above said petitions are being disposed of by this common order.

Heard the parties.

Admittedly, some lands were acquired but no award was prepared and in the meantime, new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the “Act 2013”) came into force.

The petitioners filed both the writ petitions and sought various reliefs. The respondent no. 2 and 3 appeared and filed counter affidavit on 11.04.2017 and at para-8 of the aforesaid counter affidavit, respondent no. 2 and 3 admitted that the award in respect of acquired land was prepared on 19.05.2015 in accordance with the provisions of the Act 2013.

Since the State has prepared the award in accordance with the provisions of Act 2013, in my view, there is no need to keep these matters pending. However, one Dhananjay Kumar has filed I.A. No. 1921 of 2017 claiming that he is also entitled to get the amount of the award which has been prepared in respect of the acquired land.

In my view, the grievance of the aforesaid Dhananjay Kumar may be considered by the competent authority and



accordingly, both the above stated petitions stand disposed of giving direction to respondent no. 2 and 3 to ensure the payment of compensation amount as well as other benefits to petitioners in accordance with law strictly in the light of provisions of Act 2013 within three months from the date of receipt/production of copy of this order. However, before making payment, the concerned authority shall also pass appropriate order on the grievance of aforesaid Dhananjay Kumar.

(Hemant Kumar Srivastava, J)

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