

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.81 of 2016

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1. Bansh Ropan Yadav S/o Late Sita Ram Yadav
 2. Kashi Nath Choubey, S/o Late Ram Nagina Choubey
 3. Dinesh Choubey S/o Late Ram Keval Choubey
 4. Ram Ashish Kahar S/o Narain Kahar
 5. Ram Raj Bind S/o Late Radha Bind
- All are resident of village-Ulho, P.S.-Sasaram, District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Secretary, Department of Revenue Government of Bihar, Patna
3. Director Land Acquisition, Bihar, Patna
4. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
5. Collector, Rohtas, Sasaram District-Rohtas
6. Additional Collector, Rohtas, Sasaram, District-Rohtas
7. The Special Land Acquisition Officer, Sasaram, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy

For the Respondent/s : Mr. D.K. Sinha- AAG2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 09-10-2018 Heard both sides.

The petitioners have filed this writ petition for a direction to the respondent No.7 to pay the compensation amount to the petitioners for the acquisition of the land of the petitioner in accordance with the relevant law and rules and further for a direction to the respondents to pay the solatium at the rate of 60% on the total amount of compensation by deducting the amount of solatium already paid to the petitioner for the land acquired.

The petitioners are residents of village Ulho, P.S.



Shivsagar, District Rohtas and the lands of the petitioners were acquired for completion of Ulho Minor Project. The amount of compensation has not been paid to the petitioners in accordance with the Right to Fair Compensation and Transparency in the Land Acquisition Rehabilitation and Resettlement Act, 2013. The petitioners filed objection before the Special Land Acquisition Officer, Sasaram after being aggrieved for the amount of compensation fixed by the Land Acquisition Officer but the objection of the petitioners has not yet been disposed of.

Respondent No.7 filed counter-affidavit on behalf of all the respondents and stated that Executive Engineer, Durgawati Work Division No.5, Chenari(Rohtas) sent requisition for acquisition of 10.55 acres of land of village Ulho of Shivsagar Circle, Rohtas for construction of Ulho Minor Irrigation Project. Notification for acquisition of land was issued on 01.08.2011 and the land was acquired on 10.07.2012 and published on 10.08.2012. The concerned raiyats were directed to hand over the possession of the land. Only three persons namely, Ramraj Bind, petitioner No.5, Bashishtha Pandey and Ram Ashish Kahar, petitioner No.4 filed objection on affidavit on 08.10.2012, 12.11.2012 and 31.10.2012 and have voluntarily handed over the land. District Sub Registrar, Rohtas, on request, submitted the market value of



the land and on the basis of the market value, award of Rs.85,79,381/- was prepared for preparation of Ulho Minor Irrigation Project and the entire amount of compensation was paid to the different landlords after preparation of award. The new Act came into effect from 01.01.2014 and, therefore, the petitioners are not entitled to get compensation of the land acquired at the rate enumerated in the new Act.

Learned counsel for the petitioners submits that the petitioners filed objection which is still pending before the Special Land Acquisition Officer. It is further submitted that the petitioners have filed I.A. No.8955 of 2017 and annexed the report of the District Sub Registrar, Rohtas showing the market value of the different nature of the land but the objections of the petitioners have not been disposed of.

From the submission of both sides, I find that the land of the petitioners and others have already been acquired much prior to promulgation of the New Land Acquisition Act which came into effect on 01.01.2014. Prior to coming into effect the new Land Acquisition Act, the award money was received by the petitioners and others, therefore, the petitioners are not entitled to get compensation under new Act. Petitioners raised objection with regard to the rate of valuation of the land for which they have filed



objections before the Land Acquisition Officer but the same have not been disposed of.

In this view of the fact, I dispose of this writ petition with a direction to the Land Acquisition Officer that if the objections of the petitioners are pending before him, the same shall be disposed of within four months from the date of receipt of this order in accordance with law.

With the aforesaid direction and observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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