

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6180 of 2017

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1. Yogendra Paswan, Son of Late Dileshwar Paswan, Resident of Village & P.O.-Bihariganj, P.S.-Bihariganj, District-Madhepura.
 2. Umesh Chandra Yadav, Son of late Chhedi Lal Yadav, Resident of Village & P.O.- Bihariganj, Ward No.4, P.S.-Bihariganj, District- Madhepura.
 3. Raj Kumar Ram, Son of Late Rameshwar Ram, Resident of Village & P.O.- Bihariganj, Ward No. 61, P.S.- Bihariganj, District- Madhepura.
 4. Sanjay Kumar Jah, Son of late Murlidhar Jha, Resident of Village & P.O.-Bihariganj, P.S.-Bihariganj, District- Madhepura.
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
 2. The District Magistrate, Madhepura.
 3. The District Land Acquisition Officer, Madhepura.
 4. The Circle Officer, Bindriganj Block, Madhepura.
 5. The Sub-Divisional Officer, Kishunganj, District-Madhepura.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam, AAG12

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-09-2018

This writ application has been preferred under Article 226 of the Constitution of India for a direction to the respondents to calculate and pay the due amount of compensation as per the provisions of *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*.

2. Prayer is on the ground that though the proceeding for acquisition of different land, including the land of the petitioners was initiated, vide notification dated 02.01.2013 at *Annexure A1* to the counter affidavit, the notification would reveal that compliance of



Section 5A of the old Act was dispensed with, as acquisition was in case of emergency.

3. In the counter affidavit, respondent Nos.2, 3, 4 and 5 have stated that possession of the acquired land was taken over on 12.04.2014 and the amount of compensation was decided under the new Act and thereafter, the land owners received their amount, vide *Annexure C1*.

4. Learned counsel for the petitioners submits that the petitioners are poor and illiterate. They had received the amount of award under pressure and on protest. The pressure of the respondents was that if the petitioners would not receive the award, they would not get interest on that.

5. Under Section 64 of the New Act, the petitioners are at liberty to move to the Collector, Madhepura by a written application for reference of the matter for determination by the Authority. Since the petitioners have statutory remedy and this writ Court cannot go into disputed question of fact or enter into appreciation of evidence regarding material which were considered for determining the compensation.

6. In the result, this writ application stands disposed of with liberty to the petitioners to raise their grievance before the competent Authority, if so advised.

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

