

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1268 of 2017

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1. Ishwari Yadav, Son of Ramdeo Yadav, resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 2. Rajdeo Yadav, Son of Devechander Yadav, resident of Village - Kanhaiya Bigha, P.S. Makhdumpur, District - Jehanabad.
 3. Mahendra Yadav, Son of Ramabhajan Yadav, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 4. Baboo Lal Prasad, Son of Devechandra Prasad, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 5. Suresh Yadav, Son of Kali Yadav, R/o Village - Tekaura Tola Audan Bigha, P.S. - Makhdumpur, District - Jehanabad.
 6. Baleshwar Yadav, Son of Bangali Yadav, Resident of Village - Tekaura Tola - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 7. Ashok Kumar, Son of Ram Briksha Yadav, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 8. Virendra Kumar, Son of Devnandan Yadav, resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 9. Shyam Deo Yadav, Son of Late Prasidh Yadav, Resident of Village - Kanhaiya Bigha, NP.S. - Makhdumpur, District - Jehanabad.
 10. Sadhu Yadav, Son of Late Banshi Yadav, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 11. Chhotu Yadav, Son of Late Banshi Yadav, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 12. Ramashish Yadav, Son of Late Kameshwar Yadav, Resident of Village - Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 13. Shailendra Kumar @ Shailendra Yadav, Son of Late Ram Babu Yadav, Resident of Village - Tekaura Tola Kanhaiya Bigha, P.S. - Makhdumpur, District - Jehanabad.
 14. Gauri Devi, Wife of Parmeshwar Yadav, Resident of Village - Tekaura Tola Kanhaiya Bigha, P.S. Makhdumpur, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Old Secretariat, Patna- 1.



2. The Director cum Additional Secretary, Land Acquisition and Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
3. The Land Reforms Commissioner cum Commissioner and Secretary Revenue and Land Reforms Department, Bihar, Old Secretariat, Patna.
4. The Special Land Acquisition officer, Patna Flood Security Planning, Anishabad, Patna.
5. The Divisional Commissioner, Magadh Division, Gaya.
6. The District Collector, Jehanabad.
7. The District Sub-Registrar, Jehanabad.
8. The Executive Engineer, Jal Path Pramandal, Uderasthan, Jehanabad.
9. The Circle Officer, Makhdumpur, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. HARISH KUMAR -GP8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the parties.

This writ application has been preferred under Article 226 of the Constitution of India praying therein to quash the determination of market value sanctioned by the Collector, Jehanabad vide his order dated 18.02.2015 in Land Acquisition Case No. 10 of 2010-11 vide Annexure-2.

Submission of the learned counsel for the petitioners is that lessor value has been determined by the respondent-authorities.

The petitioners have remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to make a written



application to the Collector to refer the matters enumerated therein for determination of the ‘Authority’. The different issues which can be determined by the authority includes the amount of compensation decided by the Collector.

Moreover, determination of compensation depends upon collection and appreciation of evidence which cannot be done by a Writ Court, therefore, this writ application stands disposed of with liberty to the petitioners to approach the appropriate forum under Section 64 of the Act aforesaid.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.08.2018
Transmission Date	N.A.

