

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20166 of 2014

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1. Ashok Kumar Singh
2. Arun Kumar Singh
3. Anil Kumar Singh
4. Sunil Kumar Singh
5. Kumar Amresh @ Santosh Kumar Singh All are sons of Late Bhuneshwar Singh, Resident of Village and Post Office- Fatehpur, P.S.- Didarganj, District- Patna
6. Leela Devi, D/o of Late Bhuneshwar Singh, W/o Sri Balijeet Singh, resident of village + Post Office- Rasalpur, P.S.- Doriganj, District- Saran
7. Sheela Devi, D/o of Late Bhuneshwar Singh, W/o Sri Rajeev Singh, resident of village + Post Office- Rasalpur, P.S.- Doriganj, District- Saran
8. Sushila Devi, Daughter of Late Bhuneshwar Singh, wife of Sri Ravindra Prasad Singh, resident of Mohalla- Karbigahia, P.S.- Jakkanpur, P.O.- G.P.O., Patna, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, The Government of Bihar, Bihar, Patna
3. The Principal Secretary, Revenue and Land Reforms, The Government of Bihar, Patna
4. The Divisional Commissioner, Patna Division, Patna
5. The Collector, Patna District, Patna
6. The District Land Acquisition Officer, Patna Collecteriate, Patna
7. The Assistant Land Acquisition Officer, Patna Collecteriate, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh,
Mr. Upendra Kumar Singh
For the State : Mr. Prabhu Narain Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsel for the petitioners and learned counsel for the State.

In the present case, the petitioner, during pendency of this writ petition, has filed an interlocutory application vide I.A. No.9403of 2017 wherein the prayer has been made for amendment of writ petition to the extent that the compensation amount should be paid in terms of Right to Fair Compensation



and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as Act, 2013).

As per his claim in view of Section 24(2) of the Act, 2013 the proceeding will be deemed to have been lapsed and even after that, if the land is still to be acquired, the payment should be made as per Land Acquisition Act, 2013.

In the original notification the petitioners have made a claim that the respondents have acquired 3.3. Acre of land but the respondents authorities have paid compensation amount for 2.74 Acres of land less compensation what they are entitled excluding 1/9th share of their step brother. As per claim of the petitioners while the matter was pending before the Land Acquisition Officer the step brother made claim his of 1/9th share. In pursuance thereof the matter was referred to civil court under Section 30 of the Land Acquisition Act and which was registered as L.A. No.7 of 2008-09 and the Land Acquisition Court decided that Lav Kush Singh, the step brother is entitled to 1/9th share of compensation of acquired land. But even after the civil court judgment, payment has not been made as per share which the petitioners are entitled, Collector should be directed to make payment of rest of amount for the portion of the land which has not been taken into consideration.

In support of his submission the petitioner has drawn



attention of this Court to the notification issued under different provisions of the Land Acquisition Act at different stages where the land has been shown 3.3.Acres but in the counter affidavit the State has taken a plea that total acquired land is 2.95 Acres of land and all payment has been made as per decided rate. So this disputed question of facts cannot be decided.

In such view of the matter, the petitioners are directed to file an application before the Collector, Patna under Section 18 of the Land Acquisition Act and Collector, Patna who will be obliged to refer the matter to the Land Acquisition Court who will decide the issue as has been claimed by the petitioners for quantum of payment of compensation amount for the rest area which is subject matter of the dispute.

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

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.3.2018
Transmission Date	NA

