

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17917 of 2018

Prashant Kumar Mishra son of late Upendr Nath Mishra resident of at and
P.O. Shah Alam Nagar, P.S. Madhepura, District Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Land Reforms & Revenue, Bihar, Patna
2. The District Collector, Madhepura, District - Madhepura.
3. The District Land Acquisition Officer-cum-Competent Authority, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Kumar Amitesh Chandra with
Mr. Nirmal Kumar, Advocates

For the State : Mr. Rakesh Kumar Shrivastava, AC to GP 15

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-12-2019

Heard learned counsel for the petitioner and learned
AC to GP 15 for the State.

2. The petitioner has moved the Court for the
following reliefs:

“(I) For issuance of an appropriate writ in the nature of Certiorari directing the respondents to re initiate and complete the acquisition process and grant the compensation alongwith appropriate interest with regard to the land of petitioner i.e. Old Khesra No. 1322 of New Khesra No. 2331 of Khata No. 354 and Old Khesra No. 1323 of New Khesra No. 2330 of Khata No. 1427, Mauza Alamnagar, Thana no. 72/1 under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Re-settlement Act,



2013 which has been acquired for Karama Alamnagar Road Project for the construction of the referred project.

(II) To hold and declare that petitioner is entitle to get the market value on such acquisition at the rate of 3.5 lac per decimal as applicable and declared by Sub-Registrar, Udakishunganj, Madhepura.

(III) Appropriate interest which is 12 per cent and 15 per cent over such evaluated amount of compensation must be paid from the date of the notification i.e. 1997.

(IV) To grant any other relief/s for which the petitioners be found entitled in the eye of law.”

3. The petitioner is aggrieved by non-payment of compensation to him despite his private land having been acquired by the State authorities.

4. From the counter affidavit filed on behalf of the authorities, it is not in dispute that some land of the petitioner has been acquired but the issue is moving from one authority to another seeking clarification in the matter.

5. Learned counsel for the petitioner submitted that his land having been acquired by the State authorities, he has a right to fair compensation and the authorities are required to sort out the matter among themselves without there being any role of the petitioner. It was further submitted that a road has already been built on the land of the petitioner without any payment being made to him, which is impermissible in law.



6. Learned counsel for the State fairly submitted that due compensation of the land of the petitioner is required to be paid to him.

7. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondents no. 2 and 3 to ensure that the compensation amount with regard to the land of the petitioner which has been acquired and used by the State authorities for public purpose is paid to him.

8. It shall also be ensured that if the matter had not attained finality in terms of the earlier requisition for acquisition, now, after coming into force of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if the petitioner is covered, the compensation amount shall be calculated in terms of the aforesaid Act.

9. The aforesaid exercise be completed within two months from the date of production of a copy of this order before the concerned respondents.

(Ahsanuddin Amanullah, J)

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