

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5000 of 2019

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1. Nityanand Sharma S/o Late Murlidhar Sharma
 2. Pawan Sharma S/o Nityanand Sharma @ Nityananda Sharma
 3. Ashok Kumar Sharma S/o Nityanand Sharma
- All are Permanent resident of Jagarnath Mandir Road/Nehru Road, Thakurganj, District- Kishanganj. At present petitioner no.2 is residing at 35, Santi Nagar, Moore Avenue, Regent Park, S.O. Regent Park, Kolkata (W.B.) 700040.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Collector-cum-District Land Acquisition Officer, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha
For the Respondent/s	:	Mr. Sajid Salim Khan (SC25)
		Ms. Prakritita Sharma, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-03-2019 Heard learned counsel for the parties.

The petitioners have a grievance against the award dated 24.11.2018 passed in Land Acquisition Case No. 69 of 2015-16 by the Collector-cum-District Land Acquisition Officer, Kishanganj.

It is the petitioners' case that the said award has been prepared in breach of the statutory provision as contained in Section 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act) and Rule 29 of the Bihar



Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

The petitioners have a remedy under Section 64 of the Act. It has been asserted in the writ application that though the petitioners filed their applications under Section 64 of the Act way back on 31.01.2019, the said application has not been duly received and registered by the office of the Collector, Kishanganj.

This is to be noted that Section 64 of the Act allows a person aggrieved by an award to make an application before the Collector for referring to the competent authority for determination of the claim. Such reference, under the said provision, is to be made by the Collector within 30 days from the date of receipt of the application under Section 64 of the Act. There is limitation of period prescribed under the Act for making of application, which is six weeks. The Collector has, however, power to condone the delay.

Section 64 of the Act also prescribes that in case the reference has not been made by the Collector, the aggrieved person may approach the competent authority, who is required thereafter to direct the Collector to make reference.

Considering the nature of grievance, which the petitioners have raised and the averments made in the writ



application, I dispose it of with a direction to the Collector, Kishanganj to entertain the petitioners' application, which is said to have made on 31.01.2019, if the same has been received by his office.

At the same time the petitioners shall be at liberty to file a fresh application under Section 64 of the Act before the Collector, which the Collector shall receive. In the event, it is found that the petitioners' application dated 31.01.2019 is not there on record, the Collector shall entertain the petitioners' fresh application submitted in light of the present order and refer the same to the competent authority. If such application is made within four weeks from today, the Collector shall condone the delay, if any, in making of the fresh application.

This application is disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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