

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5708 of 2019

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Baleshwar Singh Yadav Son of late Jagat Narayan Prasad Resident of Village-
Mahiuddinpur, P.S.- Fatuha, and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna(Bihar).
2. The District Magistrate Cum Collector, Patna
3. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anirudh Kumar Verma
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC-19) with Ms. Archana Prasad AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 2 29-03-2019 The petitioner's land has been acquired for which proceeding was initiated under Section 4 of the Land Acquisition Act, 1894. Before coming into force of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013'), the petitioner had received 80% of the compensation amount and he received the rest 20% of the amount after coming into force of the Act of 2013. The petitioner is not disputing that he has been paid four times of 20% of the amount which he was entitled to, applying the provisions under Section 24(1) of the Act of 2013, but it is his case that the compensation amount should have been



determined in terms of the provisions of the Act of 2013.

2. What is evident from the pleadings on record that the petitioner has grievance against determination of compensation under the new Act. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner had in fact raised objection also and he has not accepted the determination of the amount of compensation on the basis of which the payment has been made.

3. Section 64 of the Act of 2013 provides remedy to such person who has not accepted the award, by making written application to the Collector for the purpose of determination by competent authority under the Act. Learned counsel for the petitioner has submitted that the petitioner had made application before the Collector/District Land Acquisition Officer, Patna within the period prescribed under proviso to sub-section(2) of Section 64 of the Act of 2013, which has yet not been considered and disposed of.

4. Considering the aforesaid stand taken on behalf of the petitioner, this application is disposed of with a direction that if the petitioner's application under Section 64 of the Act of 2013 is pending and if the petitioner had raised objection at the time of acceptance of the award, his claim for determination of



compensation amount shall be considered and decided, in
accordance with law, within the reasonable period.

5. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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