

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9953 of 2019

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Ravindra Prasad Son of Ram Datt Yadav, Resident of Village- Dhanraj Chhapra, Police Station- Bikram (Rani Talab Kanpa), P.O.- Saidabad, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Land Reforms, Govt. of Bihar, Patna.
3. The Secretary, Revenue and Land Reforms Deptt. Land Acquisition Directorate, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Addl. Collector, Patna.
7. The District Land Acquisition Officer, Patna.
8. The Special Land Acquisition Officer, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha
For the Respondent/s : Ms. Surekha Kumari, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-05-2019 The petitioner is aggrieved by order dated 31.05.2018 passed by the Special Land Acquisition Officer, Patna, whereby he has rejected the petitioner's application dated 13.02.2018.

It is not at all in dispute that the petitioner's land was acquired under the provisions of the Land Acquisition Act, 1894, and the award was prepared on 08.04.2012 itself. It has been noted in the impugned order that since the petitioner had given his land voluntarily, he was entitled to 60% of the solatium and accordingly, the award was prepared taking into account the amount of solatium, which the petitioner was



entitled to. The petitioner has accepted the amount without any objection, over which also there is no dispute. The petitioner's request for reference under Section 18 of the Act has been rejected on the ground that the petitioner did not raise any objection at the time of receiving the amount of award. The Special Land Acquisition Officer has also taken note of the fact that whereas the award was announced on 18.04.2012, the petitioner, for the first time, started litigating for higher amount of compensation in 2014 by filing a writ application. He was required to make his application for reference under Section 18 of the Act within six months.

Learned counsel appearing on behalf of the petitioner has submitted that such objection could not have been taken by the Special Land Acquisition Officer, Patna, in the light of the order of this Court dated 13.02.2018 passed in C.W.J.C. No. 20557 of 2014, which was filed by the petitioner, whereby the petitioner was allowed to approach the Collector, Patna, for redressal of his grievance under Section 18 of the Act.

I am not convinced with the said submission. The Court had given liberty to the petitioner to approach the Collector for redressal of his grievance under Section 18 of the Act. That would not have meant that the Collector could not



have taken his decision on merits and on the question of the petitioner's claim for reference of the matter under Section 18 of the Act.

This application has no merit and it is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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