

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2758 of 2016

Arising out of

Civil Writ Jurisdiction Case No.16816 of 2014

Shesnath Singh, S/o Uma Shankar Singh, Resident of Village and Post-Bhadwar, P.S.- Bagen Gola, Dist. Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
- 1 (A). Mr. Vinay Kumar, S/o not known, the Principal Secretary, Rural Work Department, Patna.
2. Md. Mobine Ali Ansari, S/o not known, the Deputy Development Commissioner, Buxar.
- 2 (A) Mr. Raman Kumar, S/o not known, the District Magistrate, Buxar.
3. Mr. Md. Taukir Alam, S/o not known, the District Land Acquisition Officer, Buxar.
4. Mr. Ashok Kumar, S/o not known, the Executive Engineer, Rural Development Work Division, Dumraon, Buxar.
5. Mr. Pramod Kumar, S/o not known, the Sub Divisional Officer, Dumraon, Buxar.
6. Mr. Sribhagawan Singh, S/o not known, the Circle Officer, Barhampur, Dist. Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. Kumar Pankaj, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-06-2019

Heard learned counsel for the petitioner and learned AC to SC 5 for the State.

2. The petitioner has moved the Court alleging violation of order dated 27.11.2015 passed in CWJC No. 16816 of 2014.

The operative portion of the order reads as under:

“In above view of the matter, this writ application is being disposed of with a direction to the



petitioner to file a fresh representation before the District Magistrate, Buxar making out of his claim along with necessary documents in support thereof. On such representation having been filed, let the District Magistrate examine the matter and if he comes to the conclusion that the petitioner's land has been utilized in construction of the road then he should immediately refer the matter to the Principal Secretary, Rural Works Department who, in his turn, would either take steps for its acquisition and payment of compensation to the petitioner or would direct the Department to remove the construction from the part of the road which has been constructed upon the petitioner's land. However, if the Collector comes to the conclusion that the road has not been constructed upon the land of the petitioner then a reasoned order would be required to be passed by him, which should be immediately communicated to the petitioner. It is expected that the whole exercise would be concluded within three months from the date of filing of such representation by the petitioner along with a copy of this order."

3. Learned counsel for the State submitted that the authorities have taken a decision to acquire the land and award has also been prepared and despite repeated information to the petitioner to come and collect the amount, he has not turned up. Learned counsel submitted that during the proceeding, the petitioner has expressed his opposition to the amount of compensation and accordingly in view of the provision of Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



(hereinafter referred to as the ‘Act’), the authorities have referred the matter to the authority established under Section 52 of the Act.

4. In view thereof, the Court finds that the order of the Court has been complied with.

5. Accordingly, the application stands disposed off.

6. It shall be open to the petitioner to contest the matter before the authority under the Act, in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

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