

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14332 of 2017

1. Subhash Chandra Mauar Son of Late Ramadhar Mauar, Resident of Village-Kharaon Chatarbhuj, Police Station- Sahar, District- Bhojpur.
2. Surendra Mauar, Son of Late Jagdeep Mauar.
3. Damodar Mauar, Son of Late Laxmi Mauar.
4. Kaushal Mauar, Son of Late Ghanshyam Mauar.
5. Radhika Kunwar, Wife of Late Laldeep Mauar.
6. Abhay Kant, Son of Late Lal Mohar Mauar.
7. Vishwanath Mauar, Son of Late Kapil Mauar.
8. Laxman Mauar, Son of Late Janki Mauar.
9. Jagbal Mauar, Son of Late Nandji Mauar.
10. Prem Parkash Mauar, Son of Sri Ramayan Mauar.
11. Ramkalo Kunwar, Wife of Sidheshwar Mauar.
12. Dashrath Mauar, Son of Ram Deo Mauar.
13. Ram Pravesh Singh, Son of Ram Gahan Mahto.
14. Sachidanand Singh, Son of Bangali Mahto.
15. Krishnanandan Mauar, Son of Kul Deep Mauar.
16. Vishnu Mauar, Son of Ram Suresh Mauar.
17. Lalbabu Singh, Son of Late Vidya Bhusan Singh.
18. Shiv Kumari Devi, Wife of Lal Babu Singh.
19. Vijay Mauar, Son of Late Kedar Mauar.
20. Devendra Mauar, Son of Late Jagdeep Mauar.
21. Ram Tavekya Mauar, Son of Sakal Deep Mauar.
22. Braj Kishore Narayan, Son of Late Sakal Deep Singh.
23. Rajeshwar Mauar, Son of Late Hari Nandan Mauar.
24. Dayanand Mauar, Son of Ram Deep Mauar.
25. Gajadhar Mauar, Son of Late Ram Jas Mauar.
26. Shri Bhagwan Mauar, Son of Late Ram Jas Mauar. All Resident of Village-Kharaon Chatarbhuj, Police Station- Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Land Acquisition Officer, Bhojpur at Ara.
6. The Circle Officer, Sahar, District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
Mr. Uday Pratap Singh



For the State : Mr.Sajid Salim Khan,SC-25
Mr. W.A.Khan, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 14-08-2019 Though, the case has been listed with office notes, pointing out certain defects, considering the nature of dispute involved, ignoring the said defects, I have proceeded to dispose of the writ application, after hearing the learned counsel for the parties.

This writ application has been filed for payment of compensation, consequent upon acquisition of the lands in Mauza Kharao Chaturbhuji, in the district of Bhojpur.

The acquisition proceeding had been initiated under the provisions of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and, admittedly, the petitioners had received 80% of the amount of compensation determined under the Act of 1894. Before rest 20% of the amount of compensation could be paid to the petitioners, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013') came into force.

It transpires from the pleadings on record that the said 20% of the amount has also been paid in the account of the petitioners after coming into force of the Act of 2013. The



petitioners are not satisfied with the determination of the amount of compensation, as according to them, the compensation ought to have been paid, treating the lands commercial in nature and in accordance with the provisions of the Act of 2013.

Learned counsel for the petitioners does not dispute that the determination of 20% of the amount of compensation has been made in accordance with the Act of 2013.

If the petitioners have any grievance on the point of determination of amount of compensation, the petitioners have remedy under Section 64 of the Act of 2013, which they have not invoked.

This writ application is, thus, disposed of with an observation that the petitioners shall be at liberty to invoke the provisions of Section 64 of the Act of 2013.

(Chakradhari Sharan Singh, J)

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