

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.292 of 2019

Madan Mohan Prasad Singh

... .. Appellant/s

Versus

The State of Bihar Through the Collector, Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashish Giri
		Mr. Rajat Kr. Tiwary, Advocates
For the Respondent/s	:	Mr. Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-11-2019 Appellant has filed this appeal under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for setting aside the judgment and award dated 6.4.2019 passed by Presiding Officer,-cum-Chairman, Land Acquisition, Rehabilitation and Resettlement Authority, Munger in LARRA Case No.68/2017 arising out of L.A. Case No.9/2014-15 of Begusarai.

The appeal has been filed as miscellaneous appeal being M.A. No.292 of 2019 in which the stamp reporter has pointed out that against the impugned order, remedy lies by way of filing of first appeal under Section 74 of the Act. However, counsel for the appellant submits that he has rightly filed miscellaneous appeal against said award.



Sections 70 and 74 of the Act read as follows:-

“70. Form of award.-(1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same subsection, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908(5 of 1908).

74. Appeal to High Court.- (1) The Requiring Body or any person aggrieved by the Award passed by an Authority under Section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under subsection (1) shall be heard as expeditiously as possible and endeavor shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.”

On con-joint reading of both Sections, it is apparent that the Award passed by the competent authority is judgment



and decree within the meaning of Section 2 of Code of Civil Procedure, 1908 as such, the office has rightly pointed out that remedy against impugned award lies by way of filing first appeal.

Counsel for the appellant is granted six weeks time to convert this miscellaneous appeal into a first appeal.

(S. Kumar, J)

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