

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11371 of 2019

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1. Anisur Rahman son of Late Md. Hanif. R/o Village- Parsauni Murli, P.S.- Balthar, District- West Chamaparan.
 2. Md. Ekram, son of Late sheikh Amin, R/o Village- Parsauni Murli, P.S.- Balthar, District- West Chamaparan.
 3. Ameal Shekh @ Sheikh Md. Aamil, son of Late Sheikh Amin, R/o Village- Parsauni Murli, P.S.- Balthar, District- West Chamaparan.
 4. Julkarim, S/o Late Ali Sher Mian, R/o Village- Parsauni Murli, P.S.- Balthar, District- West Chamaparan.
 5. Muslim Ansari, S/o Late Mahanth Ansari, R/o Village- Bhangha, P.S.- Bhangha, District - West Champaran.

... .. Petitioners

Versus

1. THE UNION OF INDIA
2. The Sashtia Seema Bal, West Champaran Unit, Bettiah.
3. The State of Bihar through Collector cum District Magistrate, West Champaran
4. The District Land Acquisition Officer, West Champaran, Bettiah.
5. The Circle Officer, Mainatand, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Shailesh Kumar
		Mr. Satish Kumar Sinha
For the Respondent State:		Mr. Majid Mahboob Khan, AC to AAG-12
For the NHAI :		Mr. Anshay Bahadur Mathur

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2019 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw this writ application to the extent the same relates to petitioner No.5.

This writ application accordingly stands dismissed as withdrawn in respect of petitioner No.5.

Following is the relief, which the petitioners are



seeking :-

“For issuance of an appropriate writ(s), order(s) or direction(s) for the following relief(s) :-

(I) To declare the Award passed in Land Acquisition Case No. 2/2017-18 void, illegal and not binding to the petitioner by getting its production from the office of the respondent no.3.

(ii) To direct the respondent Land Acquisition Officer to pass/prepare afresh Award after following due procedure in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as ‘the Act, 2013’).

(iii) To pass such other order/orders or direction as may deem fit and proper in the facts of the case.”

It does not appear from the materials on record that the petitioners have invoked statutory remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This writ application is, thus, disposed of with the observation that the petitioners shall be at liberty to take recourse to the aforesaid alternative statutory remedy, if the same is not found to be otherwise barred.

If any question of delay arises in invoking Section 64 of the Act, the petitioners shall be at liberty to apply for condonation of delay. If any such application is made, the authorities are expected to consider the same in correct



perspective keeping in mind that the petitioners were advised to approach this Court by filing the present writ application, which too might have caused some delay.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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