

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15023 of 2019

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Hasina Khatoon @ Bibi Hasina D/o Late Khan Mohammad W/o Sekh Khalil,
Vill.- Pirpainti Bazar, P.s.- Pirpainti, Distt.- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate cum Collector Bhagalpur
3. The District Land Acquisition Officer Bhagalpur
4. The Deputy Collector Land Reforms (D.C.L.R.), Kahalgaon, Distt.- Bhagalpur
5. The Circle Officer (Anchal Adhikari) Pirpainti, Distt.- Bhagalpur
6. Sheikh Azim S/o Late Khan Mohammad Resident of Pirpainti, P.s.- Pirpainti Bazar, Distt.- Bhagalpur
7. Sheikh Yunus S/o Late Khan Mohammad Resident of Pirpainti, P.s.- Pirpainti Bazar, Distt.- Bhagalpur
8. Sheikh Jamil S/o Late Khan Mohammad Resident of Pirpainti, P.s.- Pirpainti Bazar, Distt.- Bhagalpur

... .. Respondents

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Appearance :

For the Petitioner : Mr. Chandra Shekhar Sharma
Mr. Dharendra Nath Jha
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 The petitioner is said to have filed an application, under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for reference of the dispute to the authority under the Act, which is still pending, though the same was filed in January, 2019, in the light of the observation of this Court in the order dated 16.08.2018 passed in C.W.J.C. No. 1823 of 2017.



First proviso to Section 64(1) of the Act requires the Collector to make a reference to the appropriate authority, if any dispute is raised, which can be subject matter of the said sub-section. Second proviso to sub-section (1) of Section 64 of the Act requires that where the Collector fails to make such reference within the time so specified, the applicant may apply to the authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of 30 days. Apparently, the petitioner has not made any application before the authority as contemplated under second proviso to Section 64(1) of the Act.

In the facts and circumstances of the case, this application is disposed of with the observation that the petitioner shall be at liberty to approach the authority for reference of the case by the Collector to it, if no reference has been made so far. The authority thereafter shall be at liberty to pass appropriate orders on petition filed by the petitioner for reference in accordance with the second proviso to sub-section (1) of Section 64 of the Act.

(Chakradhari Sharan Singh, J)

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