

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2221 of 2019

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Abu Talib S/o Late Sahbub Miyan Resident of Village-Ghataro
Chaturbhuja, P.S.-Lalganj, Dist.-Vaishali

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Central Govt. of India.
2. The Zonal Manager, Eastern Central Railway, Hajipur
3. The Divisional Rail Manager, E.C.R., Sonapur
4. The Principal Secretary, Revenue Department, Bihar
5. The Collector-cum-District Magistrate, Vaishali, Hajipur
6. The Land Acquisition Officer, Vaishali, Hajipur
7. The Deputy Collector and Land Reforms, Vaishali, Hajipur
8. The Circle Officer, Lalganj, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-02-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction to the respondents to make appropriate payment of the compensation against acquisition of his land having description; *Mauja-Ghataro, Thana No. 300, Khata No. 2631, Khesra No. 1517, area 18 decimal.*

It is stated that the amount, which the petitioner is entitled to, has been wrongly paid to someone else.

In my view, the petitioner has a remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



(hereinafter referred to as 'the Act'), which he can avail.

The proviso to sub-Section (2) of Section 64 requires such application to be made within certain time limit as prescribed. The Collector, within the meaning of the Act, has been authorized, however, to entertain an application even after expiry of the said period but within a period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the proviso.

Considering the facts and circumstances, it is directed that the Collector shall exercise the power vested him under the second proviso to sub-Section (2) of Section 64 of the Act, by entertaining the petitioner's application if not otherwise barred, if such application is filed within a fortnight from today.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

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