

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2809 of 2020

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Alaka Sinha Wife of Rakesh Kumar, Resident of Ward No. 34, Near Durga Mandir, West Gopalpur, Motihari, Post Office and Police Station-Motihari, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector, Motihari.
3. The District Land Acquisition Officer, East Champaran at Motihari.
4. The Deputy Collector Land Reforms, Motihari Sadar.
5. The Circle Officer, Motihari Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.
For the State : Mr. Saugha Mitra Ghosh, AC to GP 15

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-02-2020

Learned counsel for the petitioner and learned AC to GP
15 for the State have assisted the Court.

2. The petitioner has moved the Court for the following
reliefs:

“(i) For issuance of writ in the nature of mandamus, directing the respondent authorities to declare the name of petitioner above named as person interested within the meaning of Section 3(x) of 'RFCTLARR Act', having her right, title interest in the acquired land and grant compensation.

(ii) For holding and declaring that petitioner above named is person interested within the meaning of



Section 3 (x) of 'RFCTLARR Act', having her right, title interest in the acquired land.

(iii) For holding and directing to the respondents authorities to consider and apply classification of land acquired for public purpose under survey sakin Mauza Fursatpur, Thana No. 208, Motihari, East Champaran within the peripheral area as per the circular issued by government of Bihar, Department of Madh Nishedh, Utpad and Nibandan vide letter no. 10/RA. Classification -94/2015-5021 dated 18.12.2017.

(iv) For declaration that non-implementation of circular issued by Government of Bihar, Department of Madh Nishedh, Utpad and Nibandan vide letter no. 10/RA. Classification -94/2015-5021 dated 18.12.2017 in the determination of minimum valuation rate acknowledging market value of acquired land for the registration of sale deeds as well as average sale prices for the similar types of land situated within the nearest villages or vicinity area is bad in law and against the provisions of 'RFCTLARR Act'.

(v) For holding and declaring that non-consideration of market value as well as average sale price for the similar types of land situated within nearest village or vicinity area at the date of notification is in violation of Section 11 of 'RFCTLARR Act' and absolutely illegal and bad in law.

(vi) For direction to the respondent authorities to re-evaluate and determine minimum valuation rate acknowledging market value of the land for the registration of sale deeds or agreements to sell, pertaining to survey



sakinmauzaFursatpur in accordance with section 26 of 'RFCTLARR Act'.

(vii) For declaration that land acquired under the survey sakin mauza Fursatpur, and Bairiya, Thana no. 208 & 192 respectively, are within the Peripheral area as both are situated within the distance of 03 Kilometers from the area of municipal council, Motihari, in consonance with notification no. I/M-156/2005-611 dated 26/03/2013 issued under Bihar Stamp (Prevention under valuation of instruments) Amendment Rules, 2013.

(viii) For holding and declaring that implementation of 'Social Impact Assessment Study' in the proposed land acquisition is mandatory under clause (5) of section 4 of 'RFCTLARR Act' and non-implementation of social impact assessment study in the land acquisition proceeding is bad in law as well as against the intention of the legislature.

(ix) For issuance of writ in the nature of Mandamus, commanding and directing the Respondents authorities to implement and follow the procedure envisaged under 'The Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013' hereinafter referred as 'RFCTLARR Act' in the land acquisition proceeding for the construction of Central University in the District of East Champaran (Bihar)."

3. At the very outset, learned counsel for the petitioner submitted that at the time of filing of the writ application, the body constituted to hear the matter under the Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the “Act”), under whose jurisdiction the present matter was required to be filed, was not operational, but now it is functional. It was, thus, submitted that the application be disposed off with liberty to approach the Authority under the Act in the matter.

4. Learned counsel for the State does not oppose.

5. In view thereof, the application stands disposed off with liberty aforesaid. The Court would only observe that it shall be open to the petitioner to raise all points available to him before the Authority under the Act, including those raised in the present writ application.

(Ahsanuddin Amanullah, J.)

Prakash Narayan/
Rahul

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