

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 866 of 2020

Md. Sakir, aged about 44 years, Gender-Male, Son of Md. Nazim, Resident of Village-Mirmitta, P.O. and P.S.-Paoakhali, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Kishanganj.
3. The District Land Acquisition Officer, Kishanganj.
4. The Union of India through the Secretary Department of Railways, Rail Bhawan, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate
For the State : Mr. Mukul Prasad, AC to GP 18

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

ORAL JUDGMENT

Date : 20-01-2020

Heard learned counsel for the petitioner and learned AC
to GP 18 for the State.

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

*“(a) To direct the respondents to make
enhance payment of land of the petitioner at
residential rate which has been acquired by the
respondents for the purpose of Project Araria-
Galgol New B.G. Rail Line in the light of State
Government decision vide letter no. 5021 dated
18.12.2017.*

*(b) To direct the respondent to make
payment as per primary notification issued by
government under section 11(i) of L.A.R.R. Act,
2013 wherein the nature of land is shown*



residential however compensation has been paid as agricultures.

(c) To direct the District Magistrate, Kishanganj to refer the matter of the petitioner Land Acquisition Rehabilitation and Resettlement Authority, Purnia for settlement of the claim of petitioner.

(d) To grant any other relief-reliefs for which the petitioner is entitled under the facts and circumstances of the present writ petition.”

3. Learned counsel for the petitioner submitted that his compensation has been wrongly fixed treating his land to be agricultural even though in the initial notification issued by the State Government under Section 11(1) of the Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the ‘Act’), it was shown as residential. It was submitted that the petitioner has already raised objection before the respondent no. 3 on 17.01.2019, which is required to be forwarded to the Land Acquisition Rehabilitation and Resettlement Authority (hereinafter referred to as the ‘Authority’) established under Section 51 of the Act.

4. Learned counsel for the State submitted that such representation has to be made before the Collector under Section 64 of the Act.

5. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to him to file a fresh application before the Collector under



the Act, if not already done, who may be directed to refer the same to the Authority.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file an appropriate application before the Collector under the Act, if not already done, with regard to his present grievance. If the same is done within two weeks from today, the respondent no. 2 shall refer the matter to the Authority for consideration within three weeks from the date of filing of such representation. If such representation has already been filed, the same shall be referred to the Authority within three weeks from the date of production of a copy of the order before the Collector under the Act.

(Ahsanuddin Amanullah, J.)

P. Kumar

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