

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10620 of 2020

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Ghulam Hasnain S/o Md. Idris Resident of Village- Andabari, P.S.-
Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector cum District Land Acquisition Officer, Kishanganj.
3. The Land Acquisition Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Respondent/s : Mr. Rakesh Kumar Shrivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-03-2021 The present writ petition has been filed seeking the following reliefs:-

(i) For issuance of an appropriate writ/order/direction, in the nature of certiorari quashing the Memo No. 5364, 5367 and 5376 dated 16.11.2018 issued by the Collector cum District Land Acquisition Officer, Kishanganj, whereby the petitioner has been informed that the award of Rs. 9, 03,029/-, Rs. 29,40,671/- and Rs. 4,36,950/- respectively has been prepared for acquisition of the land of the petitioner for construction of Araria-Galgalia New B.G. Rail Line and the petitioner has been requested to receive the amount after producing required documents of land in question. The amount has been fixed considering the land to be agricultural where it is residential.



(ii) For issuance of a writ of mandamus directing the respondent concern to dispose of the objection of the petitioner in the manner as laid down under Section 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “2013 Act”) and pay adequate compensation as per the provisions of 2013 Act as well as letter dated 18.12.2017 and guideline dated 15.02.2018.

The learned counsel for the petitioner, at the outset, submits that the compensation has been wrongly fixed treating his land to be agricultural and the petitioner is entitled to receive more amount inasmuch as the land in question is residential, however, he submits that the petitioner would be filing representation before the Collector as provided under Section 64 of the Land Acquisition Rehabilitation and Resettlement Act, 2013 so that his representation can be forwarded to the Land Acquisition Rehabilitation and Resettlement Authority established under Section 51 of the Act.

Accordingly, the present petition stands disposed of as not pressed, however, with liberty to the petitioner to file appropriate application before the learned Collector, Kishanganj, with regard to the aforesaid grievances within a



period of four weeks from today and in case such a representation is filed, the same shall be referred to the Land Acquisition Rehabilitation and Resettlement Authority within a period of four weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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