

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.512 of 2018**

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Raj Kumar Singh Son of Ramdev Singh Resident of Village - Malhipur
Karari, Police Station - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department,
Directorate of Land Acquisition, Government of Bihar, Patna.
4. The Secretary, Law Judicial Department, Government of Bihar, Patna.
5. The Presiding Officer, Land Acquisition, Rehabilitation and Resettlement
Tribunal, Munger Division,
6. The District Land Acquisition Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Singh, Mr. Ashok Kumar, Mr. Abhishek Kumar Singh, Advocates.
For the Respondent/s	:	Mr Birendra Pd. Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-08-2022 Heard the parties.

2. The land of petitioner at Mauza-Mathipur Karari,

Thana No. 654, Survey Plot No. 227, Khata No. 79 was

acquired by the State for rehabilitation of Village-Mathipur

Karari and for the purpose of railways as well as for the purpose

of construction of 'Bundh' by the State Government. Land

Acquisition Case No. 12 of 2003/04 was instituted and an award

was prepared @ Rs. 6000/- and @ Rs. 10,000/- per Kattha. The

petitioner accepted the award with protest and thereafter filed a

reference case before the Civil Court, Begusarai bearing Land



Acquisition Case No. 03/2008.

3. The only grievance of the petitioner in this case is that neither the Civil Court, Begusarai nor the Tribunal constituted under 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (hereinafter referred to as 'the Act, 2013') is ready to decide the reference made by the petitioner in accordance with law.

4. Learned counsel for the petitioner referred to Annexure-1 and 1/A which are the letters dated 18.07.2016 and 25.03.2017 issued by this Court. Accordingly, the submission is that *vide* letter dated 18.07.2016, all the District & Sessions Judges of Bihar were informed by this Court that all the land acquisition matters where award was prepared prior to coming into force 'the Act, 2013' would continue under the provisions of Land Acquisition Act, 1984 and they would not be dealt with by the new 'Act', 2013. He further submits that the land acquisition case in which award was not prepared under Section 11 of the 1984 Act prior to coming into force of 'the Act, 2013', the new Act would apply and the reference in those matters will be filed under Section 64 of the new Act.

5. It appears that the records of L.A. Case No.



03/2008 was transferred to the Tribunal by the reference judge in view of the letter dated 18.07.2016 but the Presiding Officer of the Tribunal at Munger returned the records of the L.A. Case No. 03/2008 on the basis of the letter issued by this Court dated 18.07.2016 *vide* his order dated 23.12.2016 after coming to the conclusion that the award in this reference case was prepared prior to coming into force of the 'Act, 2013'. As such, Land Acquisition Act, 1984 will apply. It appears that after the order dated 23.12.2016 passed by the learned Presiding Officer of Tribunal at Munger (Annexure-2), another letter bearing Memo No. 587-95 dated 25.03.2017 was issued by this Court by which all the District & Sessions Judges of Bihar were requested to send the entire records relating to payment of compensation of land acquisition and rehabilitation to the court(s) of Presiding Officers of the Authority.

6. In pursuance of letter dated 25.03.2017, the Sub-Judge 1st , Begusarai *vide* its order dated 31.07.2017 sent the records of L.A Case No. 03/2008 to the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Munger.

7. Petitioner is aggrieved by the impugned order dated 08.01.2018 by which the Sub-Judge 1st , Begusarai has held that he has got no jurisdiction to entertain this case after



coming into force the letter of 25.03.2017 and now the Tribunal/Authority constituted under 'Act 2013' has got jurisdiction to decide the payment of compensation for land acquisition.

8. On the other hand, learned counsel appearing for the State submits that the subsequent letter of the Hon'ble High Court dated 25.03.2017 is very clear in which the High Court has directed for transfer of all the records relating to payment of compensation and further under Section 63 of the new Act, the jurisdiction of the Civil Court is barred. As such, now the jurisdiction to decide the payment of compensation lies before the Tribunal. He further submits that the entire case records pending before Sub-Judge 1st, Begusarai were sent to the court of learned Presiding Officer, Land Acquisition, Rehabilitation and Resettlement, Tribunal/Authority, Munger but it appears that the records were not received by the concerned clerk of the Authority and all the L.A. Case records were returned back to the court of Sub-Judge 1st, Begusarai.

9. According to the State the Tribunal/Authority has got the jurisdiction to decide the issue regarding payment of compensation to the petitioner.

10. Having heard learned counsel for the parties and



taking into consideration the material on record and the fact that the Hon'ble High Court in its subsequent letter has specifically directed that all the records should be transferred to the Tribunal/Authority as such, the Authority cannot refuse to accept the records sent by the land acquisition reference court i.e., Sub Judge 1st, Begusarai. There is no ambiguity in the letter dated 25.03.2017 issued by the Hon'ble High Court. As such, the Tribunal/Authority at Munger is obliged to accept the records of L.A. Case No. 03/2008 and the decide the same in accordance with law.

11. Accordingly, I direct the Sub-Judge 1st Begusarai to send all the records including the records of L.A. No. 03/2008 to the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement, Authority, Munger and Presiding Officer is directed to accept the records and decide the case on its merit expeditiously in accordance with law.

12. With the aforesaid observation and direction, the petition stands disposed of.

(Anil Kumar Sinha, J)

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