

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12795 of 2019

1. Birendra Kumar Son of Prakash Prasad Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
2. Dashrath Prasad Son of Ram Kishun Mahato Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
3. Sri Rameshwar Prasad Late Lachho Mahato Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
4. Sanjay Kumar Son of Gajadhar Prasad Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
5. Keshri Devi Wife of Late Ragho Mahato Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
6. Satendra Kumar Son of Bhushan Prasad Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
7. Sukhdeo Ram Son of Late Gandhari Ram Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
8. Rakesh Kumar Son of Late Brij Nandan Singh Resident of Village- Sherpur, P.S.- Barbigha, District- Sheikhpura.
9. Ramdeo Chaudhary Son of Shukhdeo Chaudhary Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
10. Sarswati Devi Wife of Indra Deo Chaudhary Resident of Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura.
11. Sarita Devi Wife of Nagina Choudhary Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
12. Kedar Paswan Son of Late Jagdish Paswan Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
13. Raj Kumar Prasad Son of Baldeo Mahato Resident of Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura.
14. Chinta Devi Daughter of Rambalak Yadav Resident of Village- Narayanpur Garh, P.S.- Barbigha, District- Sheikhpura.
15. Jagdish Chaudhary Son of Bihaspati Chaudhary Resident of Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura.
16. Shayam Sundar Yadav Son of Bajo Yadav Resident of Village- Narayanpur Garh, P.S.- Barbigha, District- Sheikhpura.
17. Bhola Paswan Son of Pitambar Paswan Resident of Village- Koyari Bigha, P.S.- Barbigha, District- Sheikhpura.
18. Paro Devi Wife of Mahendra Yadav Resident of Village- Koyari Bigha, P.S.- Barbigha, District- Sheikhpura.
19. Mahendra Yadav Son of Saryug Yadav Resident of Village- Koyari Bigha, P.S.- Barbigha, District- Sheikhpura.
20. Deepak Kumar Razak Son of Banwari Razak Resident of Village- Koyari Bigha, P.S.- Barbigha, District- Sheikhpura.



... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Sheikhpura.
3. The Additional Collector, Sheikhpura.
4. The District Land Acquisition Officer, Sheikhpura.
5. The Circle Officer, Barbigaha, Sheikhpura.
6. The Union of India through the General Manager, East-Central Railway, Danapur.
7. The Divisional Railway Manager, East Central Railway.Danapur

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Kumar Kaushik, Advocate
For the Respondents	:	Mr. Ramesh Kumar Singh, AC to GP 15
For the Union of India	:	Dr. K.N. Singh, Addl. Sol. General
For the E.C. Railway	:	Mr. Siddharth Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-08-2022 Heard the parties.

It has been submitted by learned counsel for the petitioners that the claim of the petitioners is squarely covered by the judgment of this Court dated 10.04.2019 passed in CWJC No. 3860 of 2015.

Paragraph 40 of the aforesaid judgment dated 10.04.2015 passed in CWJC No. 3860 of 2015 is quoted hereinbelow:-

“40. I have, thus, no hesitation in concluding, in view of the aforesaid discussions that:-

(1) In a case where the land acquisition proceedings had commenced under the provisions of L.A. Act, 1894, but award was not made prior to 01.01.2014, under Section 11 of the said Act, all



provisions of the L.A. Act, 2013 shall apply for determination of the amount of compensation and the date of determination of market value of the land should be treated as 01.01.2014 in the light of the decision of the Central Government as contained in letter/communication dated 26.10.2015 (supra).

(2) Requirement of laying any order before the Parliament under sub-Section (2) of Section 113 of the L.A. Act, 2013, is directory in nature for default of which the order passed under Section 113 of the L.A. Act, 2013, cannot be said to be inoperative or invalid.”

Petitioners are directed to approach the Authority under Section 64 of the Land Acquisition Act, 2013 within six weeks from today for determination of amount of compensation and no question of delay in approaching the Collector under Section 64 of the L.A. Act, 2013 should be raised in entertaining their applications.

Accordingly, the writ petition is allowed. The Land Acquisition, Rehabilitation and Resettlement Authority, (in short, “LARRA) Munger will decide the matter in accordance with law within four months from the date of filing of the application by the petitioners.

(Sandeep Kumar, J)

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