

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21047 of 2019

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Dilip Kumar Singh, Male, Aged about 35 Years, Son of Late Shashibhushan Singh Resident of Village- Sabalpur, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
2. The Director Land Acquisition, Patna.
3. The District Land Acquisition Officer Patna.
4. The Additional District Land Acquisition Officer Patna.
5. The Chief General Manager Bihar State Road Development Corporation Ltd., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ambarish Kumar, Adv.
For the Respondents	:	Mr. Rishi Raj Sinha (SC19)
		Mr. Manish Dhari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 07-01-2022

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner-

(i) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent authorities to issue notice along with the Award in terms of 37(2) of the Rights To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act-2013 (herein after “the Act”) to the petitioner appertaining to part of Khata No.3, Khesra No. 1571, Mauza Sabalpur, thana No.44.



(ii) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent authorities not to disturb the peaceful possession of the petitioner over the land and the building erected on it without issuing notice and determination of Market Value and payment of compensation amount.

(iii) Any other relief or reliefs to which the petitioners may be found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioner makes a short submission to the effect that the respondents are attempting to take possession of the petitioner's land without following the due process of law, and in contravention of the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter “the Act”). It is submitted that neither the mandatory preliminary notification under Section 11, nor consequently the declaration under Section 19, nor the Collector's notice under Section 21 nor the award and compensation under Section 30 of the Act have been made. It is submitted that in absence of these procedures having been complied with, the action of the respondents is completely arbitrary and illegal. Learned counsel for the petitioner further submits that a representation dated 01.02.2018 (Annexure-6) has



been filed by the petitioner before the District Land Acquisition Officer, Patna, which is still pending.

4. Learned counsel for the respondents appear and have been heard.

5. Having regard to the nature of the grievance of the petitioner and considering that the petitioner has not shown that his land has been taken possession of, this Court is not inclined to pass any positive order at this stage. It will suffice in the interest of justice to direct the District Land Acquisition Officer, Patna to consider and dispose of the petitioner's representation dated 01.02.2018 (Annexure-6) said to have been filed, if still pending, on its own merit after grant of opportunity of hearing to all concerned parties in accordance with law expeditiously and in any event, preferably within a period of 12 weeks from the date of receipt/production of a copy of this judgment.

6. With the aforementioned observation and direction, this writ petition stands disposed of.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2022
Transmission Date	

