

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1305 of 2023

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1. Braj Mohan Prasad Sinha, Son of Late Tribhuwan Singh, Resident of Village Chandavati, P.S.- Belsand, District Sitamarhi, present residing at Ram Dayalu Path, Opposite Dayalu Nagar, Lane No.- 05, Mushahri, Ramna Mushahari, Muzaffarpur.
 2. Geeta Sinha, Wife of Late Brajeshwar Prasad Singh Resident of Brajeshwar Bhawan, Custom Office Gali, Ward No.- 28, Near Kargil Chowk, P.S. and District- Sitamarhi, Dumra Road, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Addl. Collector, Sitamarhi.
4. The District Land Acquisition Officer, Sitamarhi.
5. The Vice Special Land Acquisition Officer, Sitamarhi, Bagmati Gandak Project, Sitamarhi.
6. The Circle Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeeb Kumar Sanju, Advocate

For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

Ms. Nutan Sahay, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 24-08-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. Learned counsel for the petitioners submits that



the present writ petition has been filed for directing the respondent to make the payment of the compensation amount of the land which was acquired measuring about 1 acre 93 decimal for different mauza relating to Land Acquisition Case No. 19 of 79-80, 58/76-77 and 24/76-77 by the Special Land Acquisition Officer, Bagmati Project, Sitamarhi.

3. Learned counsel for the petitioners submits that admittedly the land acquisition case was initiated according Land Acquisition Act, 1894, which also transpires from the case number but compensation for the said lands was not paid to the petitioners on the ground that there was a Ceiling Case No. 28/76 was pending in the court of A.D.M., Sitamarhi against the father of the petitioners namely, late Tribhuwan Singh. Counsel further submits that with the span of time, the said land ceiling case was decided in favour of the petitioners' father but thereafter no information with regard to payment of the compensation amount towards the acquisition of the land was made to the petitioners. It is further submitted that the petitioners made several representations for payment of compensation amount, but nothing happened. The petitioners have the constitutional right to get the compensation particularly when the land belongs to their family and the land ceiling case



was decided in favour of the petitioners. Counsel further submits that the petitioners are entitled to receive compensation according to the new Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) (hereinafter referred to as the 'Act of 2013').

4. Learned counsel for the State has filed a counter affidavit. In the said counter affidavit, the stand has been taken by the State that the amount of compensation was deposited in the Sitamarhi Treasury by the Land Acquisition Officer, according to the then law and vide letter dated 02.08.2023 District Land Acquisition Officer, Sitamarhi had issued a letter which is annexed as Annexure-C to the counter affidavit, in which it has been stated that the total 1.715 acre of land of the petitioners' family was acquired and due to pendency of the case preferred under the provisions of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act 12 of 1962) (hereinafter referred to as 'the Act Ceiling Act of 1961'), payment of the compensation amount could not be made to the petitioners. By the said letter the Land Acquisition Officer, Sitamarhi has demanded the order passed in favour of the petitioners under the Ceiling Act of 1961, Land



Possession Certificate, latest rent receipt as well as Genealogical Table issued by circle office, on the basis of which the Land Acquisition officer, Sitamarhi is ready to make payment in favour of the petitioners.

5. In this background, counsel for the petitioners submits that they are entitled to receive the payment according to the new Act of 2013, as his matter covers under the category of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act No. 30 of 2013].

6. In this background, this Court directs the petitioners to first comply with the instructions laid down in Letter No. 883 dated 02.08.2023 issued by the District Land Acquisition Officer, Sitamarhi, and ascertain the same about their grievances. The petitioners shall be at liberty to receive the said amount with objection. Since there is a delay in payment of the compensation amount due to the pendency of the ceiling case as well as inaction on the part of the officials, they shall be at liberty to raise their matter for reference. In their application, they shall raise all their claims for which they are entitled under the new Act of 2013, and the Collector of Sitamarhi shall decide their claim and direct their matter for reference under the law.



7. With the aforesaid observation, the present writ
petition is hereby disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	29.08.2023
Transmission Date	NA

