

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8313 of 2017

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Kuldip Kumar son of Late Surnath Sao resident of village - Sakaddih, P.S. -
Koilarwar, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna.
3. The Collector, Bhojpur at Ara.
4. The Addl. Collector, Bhojpur at Ara.
5. The Land Reform District Collector, Bhojpur at Ara.
6. The District Land Acquisition Officer, Bhojpur at Ara.
7. The Sub-Div. Magistrate-cum-Addl. Land Acquisition Bhojpur at Ara.
8. The Circle Officer, Koilarwar Circle, Koilarwar, District - Bhojpur.
9. The Circle Inspector, Koilarwar Circle, Koilarwar, District - Bhojpur.
10. The Halka Karamchari, Koilarwar Circle, Koilarwar, District - Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-11-2023 This writ application has been filed for following
reliefs:-

“(i.) For the quashing of entire land acquisition proceeding by which land is being acquired for state highway 81 (Sakaddi to Nasriganj) in non compliance of the provision under section 5A and section 9 in pursuant to section 4 & 9 of the Land Acquisition Act 1894 (hereinafter in short returned as L.A. Act 1894).

(ii.) Further quashing proceeding non of the said compliance of the provision of section '9' in perusing to the declaration under section 6 as published on 28.02.2012 in daily news paper under L.A. Act 1894.



(iii.) Further to declare that the land acquisition proceeding initiated under L.A. Act 1894 is lapsed on the ground in terms of section 24 of the New Act 2013 as the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter short referred as R.F.C.T.L.A.R.R. Act 2013) and still till date physical possession of the land in question has not been taken nor the compensation has been paid to the petitioner by the respondent.

(iv.) To declare that quantum of award has been made under either old or new Act is invalid in non compliance of provision of L.A. Act 1894.

(v.) After the quashing of entire acquisition proceeding, direction be given to the respondent Authorities to initiate the fresh proceeding for the land in question under RFCTLARR Act 2013 or to calculate and to determine the quantum of Award for the land in question accordance with the provision laid down under sec. 26 to 30 of the new Act 2013 or w.e.f. 01.01.2014 to the petitioner as so he submitted representation earlier to the respondents.

(vi.) Any other relief/ reliefs be granted to the petitioner as so he is entitled in eye of law.”

2. At the outset, learned counsel for the State submits that during pendency of this case, the compensation was revised and award was made under Section 23 & 30 of the new R.F.C.T.L.A.R.R. Act, 2013 and thereafter, notice under Section 37 of the new Act was issued. The compensation amount has already been deposited with LARR Authority under Section 77(2) of the R.F.C.T.L.A.R.R. Act 2013 and thus, the petitioner



is at liberty to raise his grievance before the LARR Authority /
competent authority.

3. In view of submission made on behalf of the
State, the writ petition is disposed of with a direction to the
petitioner to file proper and detailed representation / application
before the competent authority within a period of six weeks
from today. If such representation / application is filed, the same
shall be disposed of after hearing the parties in accordance with
law preferably within a period of six months from the date of
filing of such representation / application.

4. With aforesaid direction, the writ petition stands
disposed of.

(Prabhat Kumar Singh, J)

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