

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3109 of 2018

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Satyendra Narayan Singh son of Late Shiv Bachan Singh Resident of Village
Banarpur, Anchal Chausa, P.S. Buxar Muffasil, District Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Buxar.
3. The District Land Acquisition Officer, Buxar.
4. The Circle Officer Chausa, Anchal Chausa, District Buxar.
5. The General Manager of Construction Company N.T.P.C. Chausa Office,
Ambedkar Chowk, Buxar, District

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG 12

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-02-2023

Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application for the
following reliefs:

“That this writ application is being filed by the petitioner for issuance of an appropriate writ/writs, order/orders, direction/ directions for commanding the respondents for payment of awarded amount of Rs. 25,77,899.25 in lieu of land acquired for establishment of Thermal Power Project in Chausa, District Buxar. The petitioner's land has also been acquired vide Chak Khata No. 404, Chak Plot No. 1475 in Mauza Banarpur, Anchal Chausa, P.S. Buxar (Mufassil), District Buxar of admeasuring area 91 decimals with a notice under Land Acquisition Case No. 06/2011 issued by the Land Acquisition Officer, Buxar (Respondent No. 3) for the project - Thermal Power Project.”



It is the case of the petitioner that the petitioner's land appertaining to Chak Khata No.444 Plot no.1475 measuring an area of 91 decimals in Mauza Banarpur Thana no.40 was the subject matter of acquisition in Land Acquisition Case no. 6 of 2011, the same having been acquired by the Government for the purpose of construction and establishing a thermal power project in the District of Buxar.

A notice being Land Acquisition Case No. 6 of 2011 in relation to Case No.120 of 2012 was issued to the petitioner. It is the case of the petitioner that inspite of having submitted all the required papers the awarded amount has still not paid to him although for a similar piece of land, in the past, the compensation amount was paid without the respondent authorities raising any question or dispute of the petitioner's title over the same. It is further submitted that in case of the respondent authorities awaiting the decision of the Land Acquisition, Rehabilitation and Re-Settlement Authority as provided under section 51 of Chapter VIII of the Land Acquisition, Rehabilitation and Re-settlement Act, 2013 ('the Act' in brief), a time be fixed for disposal of the said case by the concerned authority.

A counter affidavit has been filed on behalf of the respondent nos. 2 to 4. It is submitted by learned counsel appearing for the respondents-State of Bihar that order dated



16.11.2018 passed in Case no.4 of 2016 by the District Land Acquisition Officer, Buxar has been brought on record as Annexure-A to the counter affidavit and from perusal of the same it would transpire that there is a serious disputed question of title between the petitioner and one Anish Tiwari and for this reason the District Land Acquisition Officer by the said order has referred the matter to the authority as contemplated under section 51 of the Act for settlement of the claims of the respective parties.

Having heard learned counsel for the parties and taking into consideration the materials on record, it would be appropriate to take note of the fact that section 51 of the Act provides as follows:

“51. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.– (1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as “the Land Acquisition, Rehabilitation and Resettlement Authority” to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to 28 sub-section (1) of section 64.”

Further section 64 of the Act provides as follows:

“64. Reference to Authority.–(1) Any person interested who has not accepted the award may,



by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

On perusal of the record it transpires that objection having been raised by one Anish Tiwari relating to payment of compensation to the petitioner, the matter was considered by the District Land Acquisition Officer, Buxar who by order dated



22.11.2018 (Annexure-A to the counter affidavit) came to the conclusion that serious questions of title and possession have been raised in the case and accordingly referred the matter to the authority (LARR) at Patna. The Court finds no illegality in the reference to the authority, by the aforesaid order dated 16.11.2018 passed in Case No. 4 of 2016.

The writ application stands dismissed.

However, in the facts of the case, it would be relevant to take note that fact that section 51 of the Act itself provides that the authority had been established for speedy disposal of the dispute relating to land acquisition between the parties. As such the Court deems it fit to direct the District Land Acquisition Officer, Buxar to decide the reference in accordance with law at the earliest preferably within a period of 6 months from the date of communication of this order.

(Partha Sarthy, J)

Bibhash

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2023
Transmission Date	

