

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6428 of 2018

1. Chetan Kumar Rashmi and Anr Son of Sri Satya Narayan Sah.
3. Jyoti Devi, Wife of Sri Satya Narayan Sah Both resident of Ward No. 2, Kasturba School Gali, Gandhi Chowk, Madhwapur, Thana No.- 58, P.S. and Circle- Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner, Darbhanga Commissionery, Darbhanga.
3. The Collector, Madhubani.
4. The Additional Collector- cum- Arbitrator, Madhubani.
5. The District Land Acquisition Officer, Madhubani.
6. The Circle Officer, Madhwapur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abinash Kumar, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Yadav, GP-15

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-07-2023

Counsel for the petitioner and counsel for the State
are present.

2. The petitioner has filed the present writ petition against the order dated 04.11.2017 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), Darbhanga in Misc. Case No. 36 of 2017-18 by which the petitioner's case has been dismissed as not maintainable.

3. Counsel for the petitioner submits that land

which has been acquired is situated in the locality of Indo-Nepal Border. Counsel submits that by the order dated 04.11.2017, the Presiding Officer, Land Acquisition, Rehabilitation, and Resettlement Authority (LARRA) rejected petitioner's claim on technical ground holding it as not maintainable, as it was not filed before the proper forum.

4. Counsel for the State submits that Land Acquisition, Rehabilitation, and Resettlement Authority (LARRA) has authority to hear this case under reference made under Section 64 of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (Act No.30 of 2013) (hereinafter referred as 'RFCTLARRA'). As such counsel for the State submits that the petitioner ought to prefer an application before the District Collector for redressal of his grievances, who shall refer the matter before Land Acquisition, Rehabilitation, and Resettlement Authority (LARRA). It transpires from the order dated 04.11.2017, which is under challenge, that this order was not passed on merit and it was rejected on technical ground. Hence, the petitioner may prefer an application/objection under Section 64 of the RFCTLARRA before the District Collector for redressal of his grievances.

5. In view of the correct position of law i.e. RFCTLARRA, Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013, the petitioner is hereby granted liberty to file an application for redressal of his grievances under Section 64 of the RFCTLARRA within four weeks from today along with a copy of the order passed by this Court upon which the Collector shall pass a reasoned order within 60 days. Thereafter, the District Collector, with a direction, shall refer this matter before the Land Acquisition, Rehabilitation, and Resettlement Authority (LARRA) under Section 65 of the RFCTLARRA.

6. In view of the above observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	