

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8006 of 2018

1. Neeraj Kumar and Anr Son of Late Narayan Prasad Singh resident of Village - Mahdeva, P.S. Raxaul, District - East Champaran.
2. Abhay Singh Son of Balram Singh resident of Village - Mahdeva, P.S. Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran.
3. The Land Acquisition Officer, East Champaran at Motihari.
4. The Sub-Divisional Officer, Raxaul, East Champaran.
5. The L.R.D.C. Raxaul, East Champaran.
6. The Circle Officer, Raxaul, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam- AAG 12
		Ms. Nutan Sahay, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 22-03-2023

Heard learned counsel for the parties.

The petitioners have filed the instant application for the following relief(s) :

“(i) To direct the respondent authorities as to make payment of the compensation amount a sum of Rs. 65,60,000/- to the petitioner towards acquisition of his land bearing Plot No. 1525 and 1527, having total area of 41 decimals, appertaining to Khata No. 291, situated within the village Nonia Deeh, having Thana No.85, under Circle Raxaul within the district of East Champaran, made for the public purpose Border Road Project. i.e. Indo-Nepal

(II) To direct the respondent particularly the Circle Officer, Raxaul (Respondent no.6) for issuance of land possession certificate to the petitioner in respect of the



piece of land as detailed above for the purpose of payment of compensation amount.(III) For grant any other relief or reliefs which may deem fit and proper in the facts and circumstances of the case.

In view of the developments which have taken place during pendency of the instant application, it is submitted by learned counsel appearing for the petitioners that the respondent authorities at no stage provided the details of the calculation of the amount of compensation payable or paid to the petitioners. The amount of compensation paid during pendency of the instant application with some interest thereon is seriously disputed by the petitioners with respect to its quantum in view of the amount paid to similarly situated land holders in the vicinity. It is further submitted that the amount having been paid pursuant to the observations of this Court during pendency of this application through RTGS, the petitioners had no opportunity to confront the same or to accept the payments under protest. The dispute raised by the petitioners would be evident from the different affidavits filed on behalf of the petitioners at different stages in this application. As such it is prayed that the matter may be referred to the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), East Champaran, Motihari for determination of the amount of compensation.

Learned counsel appearing for the respondent State referring to the counter affidavit submits that as prayed in the



writ application the total amount of Rs. 65,60,000/- has been paid through RTGS in the account of the petitioners which would be evident from the contents of the letter dated 9.1.2020 and 10.1.2020 (Annexure A and A/1) to the supplementary counter affidavit of respondent nos. 2 to 6. It is submitted that the interest to the tune of Rs. 3,77,200/- each has also been paid through RTGS on 31.3.2020 to both the petitioners.

Having heard learned counsel for the parties and having perused the materials on record, it transpires that the amount of compensation was disputed by the petitioners on earlier occasion and the case of the petitioners had been referred to Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), East Champaran, Motihari under section 77(2) of the 2013 Act by the District Land Acquisition Officer, East Champaran, Motihari. However, it appears that for compliance of the directions contained in an order passed by this Court, the reference to LARRA was withdrawn/recalled and the payment was made.

Thus, from the facts stated herein above, the fact not in dispute is that the matter with respect to determination of compensation was referred to LARRA under 2013 Act and the same was not finally decided.

In view of the contentions raised on behalf of the petitioners, it is directed that the matter of the petitioners shall



be referred to Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), East Champaran, Motihari, which shall issue notice to the parties and shall take into consideration the documents filed by the parties and determine the amount of compensation finally payable to the petitioners.

It goes without saying that in case the authority (LARRA) comes to the conclusion that the amount of compensation paid to the petitioners is more than what has already been paid to them and received in their bank account, the respondent authority will pay the additional amount within a period of three months of its determination by the authority.

The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

