

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6789 of 2021

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Sidhnath Sharma Son of Late Bishun Dayal Singh Resident of Village-
Shriwar, Police Station - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Land Acquisition and Land Reforms Department, Government of Bihar, Patna
2. The Secretary, Land Acquisition and Land Reforms Department, Government of Bihar, Patna
3. The Director, Land Acquisition and Land Reforms Department, Government of Bihar, Patna
4. The District Magistrate-cum-Collector-cum-Land Acquisition Officer, Patna
5. The Land Acquisition Officer, Patna
6. The Additional District Land Acquisition Officer, Patna
7. The Managing Director, Bihar State Road Corporation, Government of Bihar, Mechanical Work Shop Campus, Near Air Port, Sheikhpura, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra, Advocate
For the Respondent/s	:	Mr. Raj Kishore Ray, GP-18
		Mr. Mukund Prasad, AC to GP-18
		Mr. S. N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for:

“(i) Commanding the respondent authorities to recalculate the award on the basis of market value of land on 01.01.2014, in the light of Section 24(1)(A) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the ‘Act, 2013’) in the light of circular issued by the Central Government and notified by the State Government,



(ii) Directing the respondent authorities to recalculate the award on the basis of nature of the land as the circular issued by the State Government of Bihar, vide L.A. Case No. 91/2011-12 for the purpose of construction of Bihta-Sarmera State Highway no. 78 in Mauja Shrivar, Thana no. 173 (Vikram), Circle-Naubatpur under Patna District, and

(iii) Directing the respondent authorities to make payment of amount to the petitioner after deducting the amount of award which was received by the petitioner.”

3. Learned counsel for the petitioner submits that in this writ application, only issue is involved as to whether petitioner is entitled for payment of compensation on the basis of market value of land on 01.01.2014, in the light of Section 24(1)(A) of the Act, 2013. The aforesaid issue has already been set at rest by the Hon’ble Division Bench of this Court, vide order dated 02.04.2019 passed in L.P.A. No. 136 of 2018 (*Singhashan Prasad and Ors. vs. The State of Bihar and Ors.*).

4. *Per contra*, learned counsel for the State submits that the land of the petitioner was acquired by the Government of Bihar, vide L.A. Case No. 91/2011-12 for the purpose of construction of Bihta-Sarmera State Highway no. 78 in Mauja Shrivar, Thana no. 173 (Vikram), Circle-Naubatpur under Patna District. It is further submitted that during pendency of the



project, the project was transferred to Bihar State Road Development Corporation, Patna and District Land Acquisition Officer, Patna was informed that revised administrative approval of project is pending consideration before the State Government and accordingly, request was made to inform about extra amount, required for acquisition of land. It is further submitted that initial cost of total compensation was Rs. 3,02,52,70,651/- and account of calculation of compensation amount in view of provisions of Act, 2013, it got enhanced to Rs. 5,66,39,20,005/-, vide letter dated 26.08.2020, an amount of Rs. 40 crore was made available to the District Land Acquisition Officer, Patna through Demand Draft No. 504214 dated 26.08.2020. Thus, the cost of the amount of compensation has already been made available to the District Land Acquisition Officer, Patna (copy of draft is at Annexure H to the counter affidavit).

5. In view of aforesaid facts and circumstances, the petitioner is directed to represent before the District Land Acquisition Officer, Patna / competent authority with all his grievances along with the copy of this order, who is directed to assure the payment of compensation to the petitioner, in the light of aforesaid discussion, within a period of six months from the date of filing representation by the petitioner before him.



6. With aforesaid direction, this writ application is
disposed of.

(Prabhat Kumar Singh, J)

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