

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1085 of 2016

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Atul Kumar Singh son of Sri Awadhesh Kumar Singh resident of village Sirmatpur, Topra Tola, at present Pirpaiti Bazar, P.S.- Pirpaiti, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Revenue and Land Reforms Department, Bihar, Patna through its Secretary null null
3. The Additional Secretary, Revenue and Land Reforms Department, Bihar, Patna
4. The Deputy Secretary, Revenue and Land Reforms Department, Bihar, Patna
5. The Collector, Bhagalpur, District Bhagalpur
6. The Land Acquisition Officer, Bhagalpur, District Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Eesha, Adv
For the Respondent/s	:	Mr. Sarvesh Kumar Singh (AAG 13)
		Mr. Aryaachint (AC to AAG 13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-09-2023 Learned counsel for the petitioner and learned counsel
for the State are present.

2.Counsel for the State has filed counter affidavit in
this case

3. Counsel submits that the land of the petitioner has
been acquired appertaining to Khata No. 525, Plot No. 620,
Area 0.71 Acre situated in Mauza-Harinkal in District
Bhagalpur.

4. Counsel submits that award has been made on 20th
January, 2011 without notice to the petitioner and also violating



provisions under Bihar Land Acquisition Act, 1894. Counsel also submits that the price of the compensation fixed at lower rate without considering the nature of the disputed land. Counsel further submits that though he has received the amount with objection but he is entitled for payment of compensation on higher value including the coverage as per the new ***Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013)***

5. Counsel for State submits that by way of Land Acquisition Case No. 25/10-11 Award being No. 33 prepared and 80% price was declared on 07.03.2013 and 20% was declared on 10.06.2013. Thereafter, notice under Section 12(2) of the Act was served upon the petitioner for taking 80% of the compensation amount. Petitioner has received 80% compensation on 05.04.2013 and also received 20% of the compensation amount on 01.04.2015 with objection.

6. In this background, this Court is of the view that since petitioner has received the amount with objection then under Statute, he has liberty to move for reference before the Collector as such this writ petition is disposed of.

7. If the writ petitioner is aggrieved by the amount of



compensation and want further compensation, he shall file application for reference under the Statute before the Collector, Bhagalpur and the Collector, Bhagalpur is directed to pass order in accordance with law under the Statute within two months after production of the application along with copy of the order passed by this Court.

(Dr. Anshuman, J)

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