

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14977 of 2018

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Lallan Pandey, Son of Late Anirudh Pandey, Resident of Village-Jigani, P.O.-
Alampur, P.S.-Baddi Shivsagar, Distirct-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The District Magistrate, Rohtas.
6. The Additional Collector, Rohtas at Sasaram.
7. The Land Acquisition Officer, Rohtas at Sasaram.
8. The Special Land Acquisition Officer, Sone Scheme, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Narayansingh, Advocate
For the Respondent/s : Mr.Vikash Kumar -SC11,

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 29-08-2023

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

2. The present writ petition has been filed with a
limited prayer directing the respondent – Collector to refer his
case before the Competent Authority for Land Acquisition,
Patna Division in terms of Section 64 of the Right to Fair
Compensation and Transparency and Land Acquisition
Rehabilitation and Resettlement Act, 2013 (hereinafter referred



to as the 'Act of 2013').

3. Learned counsel for the State raised preliminary objection that in the light of the Act of 2013, the case of the petitioner is not maintainable due to the reason that there is a categorical direction that where Collector fails to make reference within prescribed period then the applicant may apply to the Land Acquisition, Rehabilitation and Resettlement Authority.

4. Learned counsel for the petitioner in response submits that the petitioner has earlier moved before this Hon'ble Court in CWJC No. 6412 of 2014 in which liberty was granted to the petitioner to file application in referring the matter to Civil Court under Section 18 and if such an application is filed, the authority would refer the matter to Civil Court for proper adjudication in accordance with law immediately.

5. He further submits that subsequently, in Civil Review No.159 of 2015, preferred by the petitioner, he was found entitle to receive payment under the Act of 2013 whereas the land was acquired under the old Act, 1894. Counsel submits that it is due to this reason, he has apprehension in his mind that his award has been prepared in the old Act, but payment has been made under the new Act then the authority may at later



stage create problem to him. In this view of the matter, he submits that he moved before this Hon’ble Court to seek a categorical direction in this case so that the complication may not arise in future.

6. Learned counsel for the State submits that it is a clear cut stand of the State that the petitioner has a remedy to file application before the competent authority under the Act of 2013.

7. In this background, the writ petition is allowed directing the petitioner to file application directly before the Land Acquisition, Rehabilitation and Resettlement Authority under the provisions of the Act of 2013.

8. With the above observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	31.08.2023
Transmission Date	NA

