

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3738 of 2020

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Sidhant Kumar Singh S/o Bipin Singh Resident of Village- Chikani, P.O.-
Jokiyari, P.S.- Raxaul, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through its Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary Department of Home, Bihar, Patna.
4. The Director Land Acquisition, Bihar, Patna.
5. The Joint Secretary Department of Home, Bihar, Patna.
6. The Collector Motihari.
7. The Land Acquisition Officer Motihari.
8. The Union of India Through the Ministry of Home Affairs, Government of India, through its Secretary, North Block, New Delhi.
9. The Secretary Border Management Ministry of Home Affairs, Government of India, North Block, New Delhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mallika Mazumdar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-12-2023 Heard learned counsel for the petitioner and the State.

2.Writ petition has been filed for directing the respondents for payment of adequate compensation to the petitioner whose 56 decimal land have been acquired. He submits that compensation has been paid at old rate only of 44 decimal land, and for the rest of 12 decimal land, not a single paise has been paid.

3. Learned counsel for the State submits that the petitioner is entitled to get adequate compensation in accordance with the law, provided he produces documents with respect to right and title over the land in question. He submits that in view



of provisions contained in section 64(1) of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', matter is required to be heard by the District Magistrate (respondent no.6) for proper assessment of the compensation amount.

4. Section 64 of the Act is reproduced herein below for easy reference:-

“64. Reference to Authority.—(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.”

5. Learned counsel for the petitioner does not controvert the submission of the State counsel.

6. In the facts and circumstances of the case, let the petitioner file an application before the respondent no. 6 along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such application is filed by the



petitioner within the aforesaid period, respondent no. 6 shall examine claim of the petitioner and pass a reasoned and speaking order in accordance with law after hearing the parties preferably within a further period of six months.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court.

9. Writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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