

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5632 of 2016

Radha Devi D/o late Shiva Nand Tiwari Resident of Village- Srimatpur
Kamat tola, PS Pirpinty, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat Building, Patna
2. The Director, Land Acquisition , Directorate Bihar, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur.
4. The Collector, Bhagalpur.
5. The District Land Acquisition Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Choubey
For the State	:	Ms. Abhanjalli

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed to direct the respondents to pay the compensation to the petitioner for her land situated in Mauza Srimatpur, Thana No. 78, Anchal Pirpainty, District- Bhagalpur *vide* Khata No. 45, Khesra No. 4366 measuring an area of 0.76 acre which has been acquired for construction of Pirpainty Thermal Power Project on the similar rate as has been paid to the other land holders *vide* award no:- 36 & 42 wherein rate of compensation has been fixed at higher rate of more than Rs. 50,000/- per decimal. Secondly, to direct the respondent authority concerned to make payment of the equal rate for the award no:- 9, 15, 16, 17, 19, 20 & 21 for



which the rate has been fixed at a lower rate of Rs. 41,610/- per decimal.

3 . At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioner has got alternative remedy by way of filing an application before the Collector in terms of Section 64 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which reads as:

“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.”



4. The learned counsel for the petitioner does not dispute the contention made on behalf of the State.

5. In view of the facts and circumstances of the case, this writ petition is disposed of with direction to the petitioner to file a representation before The Collector, Bhagalpur (respondent No. 4), along with all the relevant documents in support of the claim within a period of six weeks from today.

6. In the event such representation is filed before respondent No. 4 (the Collector, Bhagalpur) within the stipulated time, the same shall be disposed of in accordance with law after hearing all the parties, preferably, within a further period of six months from the date of receipt of the representation.

7. 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.

8. This writ petition is disposed of with the aforesaid direction.

(Prabhat Kumar Singh, J)

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