

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5134 of 2016

1. Prabhavati Devi and Ors W/o Bishwanath tiwary
2. Bilashni Devi W/o late Awadhesh Kumar tiwary
3. Lalita Devi W/o Bashistha Narayan Tiwary All Resident of Village-Srimatpur , tola Kamat, PS Pirpainty, district Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Direcotr 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, Advocate
For the Respondent/s : Mr .S.P. Singh- Ga7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2023 Heard learned counsel for the petitioners and
the State.

2. This writ petition has been filed to direct the respondents to pay the compensation to the petitioners for their acquired land in Mauza Srimatpur, Thana no:- 78, Anchal Pirpainty, District- Bhagalpur vide Khata no 1049, Khesra no:- 4367/8041 measuring an area of 9.02 acres 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 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. Thirdly to direct the respondents to perform their duty in accordance with law by paying the compensation to the petitioners for their acquired land equivalent to the compensation paid to other Raiyats whose lands have been acquired for the same project by the same notifications and the payment of lower rate of compensation is perse discriminatory and violative of the Government circular contained in letter no:- 2625 dated 07.11.2012 wherein it has been directed that the same rate for acquisition of land has to be fixed of all the lands acquired for one project and also to hold the respondents accountable in public law for abuse and misuse of their power and determining their individual liability for such abuse of power.

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.***

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

5. In the facts and circumstances of the case, this writ petition is disposed of with a 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 the date of receipt of this order.

6. In the event such representation is filed before respondent No. 4 (the Collector, Bhagalpur), 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.

(Prabhat Kumar Singh, J)

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