

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5212 of 2016

1. Arun Kumar Singh and Ors son of Late Anup Nath Singh R/o Village - Rajapur English, P.S. - Koilwar, District - Bhojpur at Ara.
2. Girish Nandan Singh son of Late Ravi Nandan Singh R/o Village - Rajapur English, P.S. - Koilwar, District - Bhojpur at Ara.
3. Satya Nand Ray son of Hari Govind Rai R/o Village - Kolhrampur, P.S. - Barhara, District - Bhojpur at Ara.
4. Jai Prakash Singh son of Late Deo Nath Singh R/o Village - Rajapur English, P.S. - Koilwar, District - Bhojpur at Ara.
5. Bhola Rai son of Late Deo Nandan Rai R/o Village - Kolhrampur, P.S. - Barhara, District - Bhojpur at Ara.
6. Shobhnath Rai son of Late Indra Deo Singh R/o Village - Kolhrampur, P.S. - Barhara, District - Bhojpur at Ara.
7. Om Prakash Rai son of Hanumat Rai R/o Village - Kolhrampur, P.S. - Barhara, District - Bhojpur at Ara.
8. Jang Bahadur Singh son of Late Deo Lal Singh R/o Village - Rajapur English, P.S. - Koilwar, District - Bhojpur at Ara.
9. Kanhaiya Rai son of late Shekhar Rai R/o Village - Kolhrampur, P.S. - Barhara, District - Bhojpur at Ara.
10. Arun Kumar Singh son of Late Ram Singasan Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
11. Om Prakash Singh son of Late Sita Ram Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
12. Suresh Singh son of Late Kariman Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
13. Rang Nath Singh son of Late Gobardhan Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
14. Manoj Singh @ Manoj Kumar Singh son of Late Guljar Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
15. Brij Mohan Singh son of Late Sant Lal Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
16. Manindra Singh son of Late Ram Nandan Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
17. Shyam Bihari Singh son of Late Shankar Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
18. Nagendra Singh son of Late Shiv Dayal Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
19. Kishori Sah @ Raj Kishore Gupta son of Late Prbhu Sao R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
20. Upendra Singh @ Upendra Kumar Singh son of Late Rama Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.



21. Shatrughan Singh son of Late Ram Layak Singh R/o Village - Englishpur, P.S. - Koilwar, District - Bhojpur at Ara.
22. Shambhu Sharma son of Late Bhuneshwar Sharma R/o Village - Rajapur, P.O. - Koilwar, District - Bhojpur at Ara.
23. Chandraket Singh son of Gandhi Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
24. Nand Kishore Gupta @ Nand Kishore Prasad son of Late Nanhak Sah R/o Village - Maner, P.S. - Maner, District - Patna.
25. Abhay Kumar Gupta son of Late Sidheshwar Gupta R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
26. Shyam Sundar Singh son of Late Baikunth Singh R/o Village - Rajapur, P.S. - Koilwar, District - Bhojpur at Ara.
27. Ramji Singh son of Late Saryug Singh R/o Village - Englishpur, P.S. - Koilwar, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The Land Acquisition Officer, Bhojpur, District - Bhojpur at Ara.
4. The Deputy Collector Land Reforms, Bhojpur, District - Bhojpur at Ara.
5. The Block Development Officer, Koilwar Block, District - Bhojpur at Ara.
6. The Circle Officer, Koilwar Circle Officer, District - Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the Respondent/s : Mr. Aag2-D.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioners and
the State.

2. This writ petition has been filed for directing
the concerned respondents to determine the value of the
land of the petitioners which has been acquired for
construction of Ara Chapra Ganga Bridge Road and to pay



the compensation, as per law , after determination , as per the value of the current market rate .

3 . At the outset, learned counsel for the State appears and raises preliminary objection to the fact that the petitioners are entitled to get adequate compensation in accordance with the law and the concerned authorities are also ready to do so, provided they produce documents with respect to their 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 Collector, (respondent no.2) 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 petitioners does not controvert the submission of the State counsel.

6. In the facts and circumstances of the case, writ petition is disposed of with a direction to the petitioners to file a representation before competent authority along with all the relevant documents in support of the claim, within a



period of six weeks from today.

7. In the event, such representation is filed by the petitioners, the competent authority shall examine the claim of the petitioners and pass a reasoned and speaking order in accordance with law after hearing the parties preferably within a further period of six months from the date of receipt/filing of the representation .

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 petitioners were pursuing the issue before this Court.

9. The writ petition is accordingly disposed of.

(Prabhat Kumar Singh, J)

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