

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4082 of 2023

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Pramanik Kumar, Son of Late Nanhak Roy @ Rajeshwar Prasad Singh,
Resident of Village- Mohiuddinpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh, Advocate

For the Respondent/s : Mr.Rishi Raj Sinha (SC19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 02-08-2023

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

2. Learned counsel for the petitioner submits that the other co-sharers who are also the awardee along with the petitioner had moved before this Hon'ble Court in CWJC No.5708 of 2019 which was disposed of vide order dated 29.03.2019 directing the petitioner that if the petitioner's application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and



Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013') is pending and if the petitioner has objected at the time of acceptance of the award, his claim for determination of compensation amount shall be considered and decided, in accordance with the law, within the reasonable period.

3. Learned counsel for the petitioner submits that vide Annexures 1, 2, and 3, the information with regard to land acquisition has been made in L.A. Case No. 03 /2012-13 bearing award No. 80 for construction of Bihta-Sarmera SH-78. The said acquisition was made in the name of three persons, namely, Pramanik Kumar (petitioner), Baleshwar Prasad, and Govind Narayan who were co-parceners. Learned counsel for the petitioner further submits that one of the co-parcener, namely, Baleshwar Prasad @ Baleshwar Singh had moved earlier before this Court in CWJC No. 5708 of 2019, and the said writ petition was disposed of vide order dated 29.03.2019 granting liberty to the petitioner that petitioner's application under Section 64 of the Act of 2013 is pending and if the petitioner raises objection at the time of accepting the award, his claim for determination of compensation amount shall be considered and decided, in accordance with law, within the reasonable period.



4. Learned counsel for the petitioner further submits that the said co-parcener has submitted representation vide Annexure-8 which is dated 03.07.2019, but till date, nothing happened.

5. Learned counsel for the State has raised the objection that the present petition is not maintainable due to the reason that no such application was either filed by the petitioner of CWJC No. 5708 of 2019 or by the present petitioner under Section 64 of the Act of 2013 before the Collector of the district who is competent to take action under Section 64 of the Act of 2013 which is apparent from Annexure -8 itself.

6. In this background, learned counsel for the petitioner submits that the said Baleshwar Singh is no more. It is the petitioner who is persuading the matter. Such a mistake has been done by his uncle and in that background, he may be permitted to withdraw the present petition with liberty to file his representation in the light of the order passed in the earlier CWJC No. 5708 of 2019 under Section 64 of the Act of 2013 explaining the situation within four weeks from today whereupon the respondent No.2, the District Magistrate-cum-Collector, Patna be directed to pass a reasoned and speaking order within 8 weeks thereafter.



7. Ordered accordingly.

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

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2023
Transmission Date	NA

