

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7108 of 2016

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Kali Charan Kanth Son of Late Sri Krishna Kanth resident of village -
Banmankhi, P.S. - Banmankhi, Distt. - Purnea Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Land Acquisition Department,
Bihar, Patna
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation
Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitaion, Bihar,
Irrigation Bhawan, Patna.
4. The Collector of the District DM, Purnea.
5. The Special Land Acquisition Officer, Kosi Project, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate
For the Respondent/s : Mr. Devendra Kr. Sinha, AAG 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for
enhancement of the amount of compensation assessed by
the respondent authorities which has been paid to the
petitioner vide Annexure-2.

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 is as follows:-

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. 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, Purnea (Respondent No. 4), along with all the relevant documents in support of the claim, within a period of eight weeks from



the date of receipt/production of copy of this order.

6. In the event such representation is filed before respondent No. 4 (the Collector, Purnea), the same shall be disposed of in accordance with law after hearing 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. With aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

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