

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14044 of 2015

-
-
1. Raman Kumar Mishra and Ors son of Late Permanand Mishra resident of village- Wajitpur Kushahi, P.O.- Kumar Bajitpur, P.S.- Patepur, District- Vaishali
 2. Ranveer Kumar Mishra, son of Late Permanand Mishra, resident of village- Wajitpur Kushahi, P.O.- Kumar Bajitpur, P.S.- Patepur, District- Vaishali
 3. Randhir Kumar Mishra, son of Late Permanand Mishra, resident of village- Wajitpur Kushahi, P.O.- Kumar Bajitpur, P.S.- Patepur, District- Vaishali
 4. Sujeet Kumar Mishra, son of Late Permanand Mishra, resident of village- Wajitpur Kushahi, P.O.- Kumar Bajitpur, P.S.- Patepur, District- Vaishali
 5. Vinay Kumar Mishra son of Late Ram Vinod Mishra, resident of village- Wajitpur Kushahi, P.O.- Kumar Bajitpur, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Vaishali at Hajipur
3. The District Land Acquisition Officer, Vaishali at Hajipur
4. The Circle officer, Patepur Circle, District- Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli , Advocate
For the Respondent/s : Mr. Sc32-R.K.Priyadarshi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioners and

the State.

2. This writ petition has been filed for issuance of writ in the nature of Mandamus directing the respondent authorities to pay the compensation to the petitioners for acquisition of the Khatiyani Agriculture Land of the Petitioner bearing Khata No. 93 , Khesra No. 176



admeasuring 26 decimal situated at Village – Wajitpur Kushahi, P .S. - Patepur, District- Vaishali, over which the Fly Over has been constructed joining Aasma and Marai.

3 . Learned counsel for the State submits 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 The Collector, Vaishali at Hajipur (respondent no.2) 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 petitioner, The Collector, Vaishali at Hajipur (respondent no.2) 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 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 petitioner was pursuing the issue before this Court.

9. The writ petition is accordingly disposed of.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

