

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5311 of 2023

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Ramayan Singh Son of Late Deojit Singh, Resident of Harijika Hata, Dumraon, P.O. and P.S.-Dumraon, District-Buxar. At present residing at Village-Sakari, P.S.-Kudra, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Eastern Dedication Freight Corridor Corporation of India Limited through the Chief Project Manager, Mughalsarai, Varanasi.
2. The Deputy Project Manager, Eastern Dedication Freight Corridor Corporation of India Limited, Mughalsarai, Varanasi.
3. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
4. The District Magistrate, Kaimur, District-Kaimur (Bhabua).
5. The Arbitrator cum Commissioner, Patna Division, Patna.
6. The Competent Authority cum District Land Acquisition Officer, Kaimur (Bhabua).
7. The Circle Officer, Kudra Circle, Kudra, P.S.-Kudra, District-Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18.
For the Res. No.1 & 2	:	Mr. Ashok Kumar Keshari, Senior Panel Counsel

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-08-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent no.1 & 2.

2. The present writ petition has been filed against the order dated 31.01.2023 passed by District Land Acquisition Officer, Kaimur (Bhabua) in compliance of order dated 01.12.2022 passed in C.W.J.C. No.17653 of 2021.



3. Learned counsel for the petitioner submits that the copy of award of the petitioner is dated 16.02.2016 whereas a letter has been issued by the respondent no.1 i.e. Eastern Dedication Freight Corridor Corporation of India Limited on 25.05.2015 in which it has been decided that entitlement matrix shall be applicable for awards (20F) declared after 01.01.2015 in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013) (hereinafter referred to as the “RFCTLARRA, 2013”). He further submits that by the said decision dated 31.01.2023 the claim of petitioner has been rejected after direction passed by this Hon’ble Court. By a conclusive part it has been decided by District Land Acquisition Officer that proviso of Section 24 (2) of the RFCTLARRA, 2013 is not applicable in the present case. He also submits that in the light of date of award as well as letter issued by respondent no.1, the decision is not good and this order should be set-aside.

4. Learned counsel for the respondent no.1 submits that the order passed by competent authority-cum-District Land Acquisition Officer, Kaimur (Bhabua) dated 31.01.2023 is completely in accordance with law. He further submits that the



claim of petitioner is that date of award is 16.02.2016 is not correct. He further submits that the petitioner himself admits that the date of original award is 17.01.2012 which is annexed as Annexure No.1. He further submits that the alleged award is basically not the award, rather it is the extended award of the petitioner which has been passed by the competent authority-cum-District Land Acquisition Officer in the light of the objections raised by the petitioner and other similarly situated persons. He also submits that the provisions laid down under Section 24 of the RFCTLARRA, 2013 is very much clear and according to him the proviso of said section states that whether an award has been made and compensation in respect of a majority of a land holding has not been deposited in the account of the beneficiary in that case Section 24 (2) of the RFCTLARRA, 2013 shall apply. Learned counsel submits that in the order dated 31.01.2023 itself, the District Land Acquisition Officer has categorically indicated that prior to 01.01.2015 75% of the persons were accepted the award and 68.01% of the award amount was deposited in the account of the beneficiaries. He further submits that since more than 50% amount were deposited in the account of the beneficiaries, in that view of the matter the proviso of Section 24 (2) of the



RFCTLARRA, 2013 shall not apply.

5. In view of the contentions and arguments made by the parties, this Court hereby re-write the provision of Section 24 (2) of the RFCTLARRA, 2013 which are as follows:-

Section 24 (2):- Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act: Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

6. If the argument of learned counsel for the petitioner shall be accepted then the letter dated 25.05.2015



shall have to prevail upon Section 24 (2) of the RFCTLARRA, 2013. This situation is not permissible in the eye of law because the said letter dated 25.05.2015 issued by respondent no.1 shall always be in connivance of Section 24 (2) of the RFCTLARRA, 2013. The order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur (Bhabua) has been passed in accordance with Section 24 (2) of the RFCTLARRA, 2013 as payment of more than 50% of the compensation amount has already made as well as the date of award is prior to 01.01.2015. Therefore, the order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur (Bhabua) may appears to be in contradiction with letter dated 25.05.2015 (Annexure No.4 to the writ petition) but actually it is in consonance with Section 24 (2) of the RFCTLARRA, 2013. Hence, the present Writ Petition stands **dismissed** and the order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur (Bhabua) is sustained.

(Dr. Anshuman, J.)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	24/08/2023
Transmission Date	NA

