

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7445 of 2023

1. Vijay Singh Son of Krishna Singh, Resident of Bhusaula Danapur, District Patna.
4. Rajiv Ranjan Prasad Son of Ugeswar Prasad, Ward No. 10, Bhusaula Danapur, District Patna.
5. Mukesh Kumar Singh Son of late Akhileshwar Prasad Singh, House No. 115, Ward No. 10, Bhusaula Danapur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner- cum-Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna-800 015.
2. The Commissioner-cum-Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna-800 015.
3. The Director, Land Acquisition, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The District Land Acquisition Officer, Patna.
7. The Deputy Chief Engineer, Construction 2, East Central Railway, Danapur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Advocate Manisha Prakash, Advocate
For the State	:	Mr. Mukul Pd, A. C . to G. P . 18
For the respondent	:	Mr. Sujeet Kumar Sinha, C . G. C

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-10-2023

Heard learned counsel for the parties.

2. At the outset learned counsel for the petitioner seeks permission to make correction in paragraph six of the writ application in the course of day.

3. Permission is granted.

4. Petitioner has filed this writ petition with a prayer



for 75 per cent Additional compensation and as per Section 40(5) of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short 'the RFCTLARR Act 2013') and other consequential benefits with interest under emergent provisions of the Act.

5 . Learned counsel for the petitioner submits that the land of the petitioner has been acquired vide Notification No. 14/DLA/Industry/Patna/21/11-469(Ra) dated 28.03.2011 under the provisions of Land Acquisition Act 1894. Counsel for petitioner further submits that award could not be prepared. The date of enforcement of RFCTLARRA (RFCTLARR Act 2013) which is Published in Gazette of India on 27.09.2013 and by virtue of Section 114 of the RFCTLARR Act (the Old Acquisition Act, 1894) has been repealed. There is special provision made in Section 40(5) of the new Act to pay additional compensation. In this regard, the Director of Land Acquisition, Bihar has published a letter no.1475 dated 07.12.2014 by which 75% additional compensation has to be calculated. Counsel for petitioner submits that he has filed this writ petition only with a view to comply the Annexure-5 and its consequential benefit attached to said Annexure-5 due to its implementation.



6. Counsel for State submits that from the record, Annexure-2 series, it transpires that award has been prepared in 2015, in the name of petitioner.

7. In view of the submissions made by the parties, petitioner is directed to represent before the Collector, Patna with all grievances along with the copy of writ petition, who is directed to ensure the payment of compensation if not paid to the petitioner in light of Annexure-5 to the writ petition within three months from the date of filing representation by the petitioner before him.

8 . With this direction, this civil writ application is disposed of.

(Prabhat Kumar Singh, J)

Kaushik/-

U		T	
---	--	---	--

