

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7402 of 2023

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Sheshnath Singh Son of Late Lalan Singh Resident of Village- Banjari Nawka
Tola Ward No.10, Police Station-Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The District Land Acquisition Officer, Gopalganj.
4. The Circle Officer, Gopalganj Sadar, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Lokesh Kumar Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha (Sc19)
		Mr. Manoj Kumar Sinha, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-10-2023

1. Heard the learned counsel for the parties.

2. Petitioner by way of filing this writ petition has questioned the quantum of compensation assessed by the authorities.

3. Learned counsel for the State submits that petitioner has an alternative and efficacious remedy under Section 64 of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 against the order impugned.

4. Section (64) of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 reads 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.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

5. In view of the above provision, the remedy lies before the District Collector.

6. In the aforesaid facts and circumstances of the case, this writ petition is disposed of with direction to the petitioner to move before the concerned authority in accordance



with law within a period of four weeks.

7. In the event, such representation is filed by the petitioner, the District Collector, Gopalganj shall examine the claim of the petitioner and pass a reasoned and speaking order in accordance with law after hearing the parties preferably within a period of six months thereafter.

(Prabhat Kumar Singh, J)

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