

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1689 of 2018

1. Sunny Kumar Gupta and Ors Son of Vijay Kumar Gupta
 2. Lallan Prasad Gupta, Son of Late Raghunath Prasad Gupta
 3. Shiv Pujan Prasad Gupta, Son of Late Ram Chandra Prasad Gupta, All Resident of Village-Gohrana P.S.-Ghorna, District-Araria.
- Petitioner/s

Versus

1. The State Of Bihar
 2. The Under Secretary, Revenue and Land Reforms Department, Government. of Bihar, Patna.
 3. The District Magistrate, Araria.
 4. The Land Acquisition Officer, Araria.
 5. The Executive Engineer, National Highway Circle, Narpatganj, Araria.
- Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma, Advocate Mr. Amresh Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25
For the NHAI	:	Mr. S.N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 20-02-2023 Heard learned counsel for the parties.

The petitioners have filed the instant application for
the following relief(s) :-

“That is an application for appropriate writ/ writs, order/ orders, direction/ directions commanding the respondent authorities for making necessary corrections in the preliminary notification for acquisition of Raiyati Land of different raiyat including the petitioner under exercise of power under section 11(1) of Land Acquisition Act and land of petitioner mentioned at Mauza Ghorna, Thana No. 188, mentioned at Serial No. 61, 58 and 59 respectively though area and other details are correctly entered/ mentioned



therein but type of Land has incorrectly shown as raiyati in place of residential and as such necessary correction will be made by mentioning therein that the type of land are residential instead of raiyati.

Petitioner further seeks Hon'ble Court's indulgence commanding the respondent authorities to take a decision on the representation/ application of the petitioner filed by petitioner no. 1 and 2 on 12.01.2017 and petitioner no. 3 on 27.03.2017 regarding wrong entry in the column of type of land in the preliminary notification dated 11.05.2016 published under the signature of respondent no. 2 and 3.

Copies of representations/ applications dated 12.01.2017 and 27.03.2017 are annexed herewith and marked Annexure-1 (Series) to this application.

Petitioner further seeks any other relief/ reliefs for which they are found entitled in the eye of law and in the facts and circumstances of the present case.”

At the outset, it is submitted by learned counsel for the State that the petitioners have an alternate and efficacious remedy under section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘the Act’ in short) by way of reference



to the authority.

Learned counsel for the petitioners submits that the preliminary objection raised by the State is not applicable in the instant case. Further, he has a good case on merits and seeks further time to file an effective reply to the counter affidavit filed on behalf of respondents.

The Court is not inclined to grant further time in view of the order that the Court proposes to pass.

The petitioners having an alternate and efficacious remedy, is directed to prefer an application/appeal under section 64 of the Act. If an application is preferred within a period of four weeks from today, the authority while deciding the limitation petition shall take into consideration the period for which the instant application remained pending before this Court.

The application stands disposed of with the aforesaid observation.

(Partha Sarthy, J)

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