

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2716 of 2021

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Baidyanath Prasad Sah son of Late Ram Ayodhi Sah resident of village- Ward
No. 8, Birpur, P.O. and P.S. - Birpur, District- Supaul... .. Petitioner
Versus

1. The State of Bihar through the Principal Secretary, land Revenue
Department, Government of Bihar, Patna
 2. The Director, Land Revenue Department, Government of Bihar, Patna
 3. The District Collector, Supaul
 4. The Additional Collector Supaul
 5. The District Land Acquisition Officer, Supaul
 6. The Circle Officer, Basantpur, Birpur, Supaul
 7. The Commandant S.S.B. 45 Battalion, Birpur, Supaul Respondents
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Appearance :

For the Petitioner : Mr.Nagendra Upadhyay, Advocate
For the Respondents : Mr.W.Ahmad Khan, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 02-12-2023 Heard learned counsel for the petitioner and the State.
- 2.Writ petition has been filed for directing the respondents to declare land of the petitioner, mentioned in paragraph 1 of the writ petition, as ‘residential’ in place of ‘progressive’ and to pay suitable compensation of the said land at residential rate.
3. Learned counsel for the State submits that the petitioner is 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 District Magistrate (respondent no.3) 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 petitioner 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 petitioner to file a representation before the District Magistrate, Supaul (respondent no.3) 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, respondent no. 3 shall examine the claim of the petitioner and pass a reasoned and speaking order in accordance with law after hearing the parties within a further period of six months.

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.

(Prabhat Kumar Singh, J)

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