

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1777 of 2021

1. Niraj Kumar @ Niraj Kumar Rai Son of Ayodhya Nath Rai Resident of Village- Siyawank Tola, Ramudih, P.S.- Rajpur, District- Rohtas, At present residing at A/09, Vyas Nagar, East of Ram Nagari More, Ashiyana-Digha Road, P.S.- Shastri Nagar, District- Patna- 25
2. Ajay Kumar Rai Son of Ayodhya Nath Rai Resident of Village- Siyawank Tola, Ramudih, P.S.- Rajpur, District- Rohtas, At present residing at A/09, Vyas Nagar, East of Ram Nagari More, Ashiyana-Digha Road, P.S.- Shastri Nagar, District- Patna- 25

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. Principal Secretary, Department of Finance, Bihar, Patna.
3. District Magistrate-cum-Collector, Rohtas at Sasaram.
4. Additional Collector, Rohtas at Sasaram.
5. District Land Acquisition Officer, Rohtas at Sasaram.
6. Deputy Collector Land Reforms, Vikramganj, Rohtas.
7. Circle Officer, Rajpur, Rohtas.
8. National Highway Authority of India through the Project Director, PIU Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Adv.
For the Respondent/s	:	Mr. Parijat Saurav, AC to AAG-13
For the N.H.A.I.	:	Mr. S. N. Pathak, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 20-06-2023 Heard learned counsel for the petitioners, learned counsel for the N.H.A.I. and learned counsel for the State.

2. The petitioners have filed the present Writ petition making payment of compensation amount for the following reliefs:-

i. For making payment of the compensation amount by completing the entire process of resettlement

of 10.5 decimals of multi cropped *raiya* agricultural land of the petitioners, bearing its Khata No. 581, Khesra No. 4347, 4348 & 4354, situated in the village Ramudih, P.S. Rajpur, District- Rohtas at Sasaram, possession over which, has already been taken over by the respondents, over which the construction of *pakka* road, leading from village Bairi, Sanjhauli to Chapra Tola of village Siyawank-via-village Ramudih connecting the Bikramganj to Dehri main road with Bikramganj to Sasaram main road, is about to be completed but, even without publication of the public notice or without the notice having been given to the interested petitioners and accordingly without having considered the claims of the petitioners against their resettlement and objections.

And

- ii. Also, for making payment of the statutory interest of 12%, over the compensation amount, to be given to the petitioners calculating the same from the date on which it remained due to be paid.
- iii. Also, for any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. counsel for the petitioners submits that after filing the Writ petition, the process of measurement of the petitioner's land under acquisition has been made and it has been found that total 12.507 decimal of the land of the petitioner has taken place, therefore, the process for payment of compensation has been initiated and calculation has been made as per **Bihar Raiyati Land Lease Policy, 2014**, which has been prepared in exercise of power conferred under Section 104 of **Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013** (hereinafter referred to as 'the Act of 2013') by the State Government, according to which the payment of the petitioner has been calculated, fixing the price of the land and multiplying it by four.

4. Counsel for the State submits that as per the policy i.e. Annexure - H and calculation chart i.e. Annexure – I, to the third supplementary counter-affidavit on behalf of the Respondent no.3, subsequently calculation has been made and request for payment to the petitioner has been made, but he has not received the payment till date.

5. counsel for the petitioners submits that he has objection on the price of the land.

6. Upon hearing the pleading and going through the documents, as well as, considering the position of law, one thing is very much clear that according to Section 64 of the Act of 2013, the remedy to the petitioner lies under reference to authority when the petitioner has grievances on the amount of compensation.

7. Here in the present case, the petitioner ought to have filed the objection on which the Collector concerned, within thirty days from the date of receipt of the application from the petitioner, has to make a reference to the appropriate authority. In the same statute the provision has also been made when Collector concerned fails to make such reference within such period then the applicant may apply to the authority requesting it to direct the Collector to make the reference.

8. Here, in the present case the said calculation chart, in which amount of compensation shown has been filed by way supplementary counter affidavit on 18.04.2023. The petitioner is at liberty to take steps, so that his matter be referred for reference under Section 64 of the Act of 2013.

9. If the present petitioner has objection on the said compensation amount then upon receiving the amount with objection, he is at liberty to file an application for reference and

Collector is directed to make reference.

10. With the aforesaid direction, this writ petition is
hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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