

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14517 of 2019

Uma Shankar Singh S/o Late Pundeo Singh Resident of Village Dhekaha, PS
Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The District Magistrate cum Collector, East Champaran at Motihari
3. The Land Acquisition Officer, East Champaran, Motihari
4. The Circle Officer, Kesariya, District-East Champaran at Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Respondent/s : Mr. Birendra Prasad Singh, A.C. to S.C.19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application for the
following relief(s):

*“(i) For a direction to the Respondents
to pay the amount of compensation within a
stipulated period to the land owner petitioner for
the acquired land belonging to the petitioner for
construction of high level R.C.C. Bridge on
Chakiya – Kesariya Sattar Ghat Road falling
within the District of East Champaran.*

*(ii) For and for any other relief(s) for
which the petitioners are found to be entitled in the
facts and circumstance of the case.”*



Learned counsel for the petitioner submits that the payment not having been made to the petitioner for acquisition of various plots of land vide Land Acquisition Case no.25/2017-18, the petitioner was constrained to file the instant application. The details of the award number and the land has been given in paragraph no.6 and 7 of the application which is reproduced herein below:

“6. That in the notice of different award passed by the Land Acquisition Officer, District East Champaran, Motihari there is determination of compensation for the land acquired. The details of the compensational Awards are the following:-

<i>Land Acquisition Case No.</i>	<i>Award No.</i>	<i>Amount of Compensation</i>
25/17-18	49	31,97,747=00
	58	24,45,336=00
	61	64,89,546=00
	63	18,57,515=00
	66	29,389,106=00

A Photocopies of Notices are annexed herewith and marked as Annexure-1.

7. That as per the notice issued to the land owners in connection with Land Acquisition Case No.25/17-18 and different awards it is clear that description of the land has also been given. For the easy understanding of the land acquisition description is given below:



<i>Award No.</i>	<i>Khata No.</i>	<i>Khesra No.</i>	<i>Rakba of land to be acquired</i>
49	199	2729	68 Decimals
58	259	2760	52 Decimals
61	199	2764	138 Decimals
63	88	2765	39.5 Decimals
66	242	2768	62.5 Decimals.”

At this stage, learned counsel for the respondents submits that a counter affidavit has been filed on behalf of the respondent nos.2, 3 and 4 wherein it has been stated that the District Land Acquisition Officer finalised the award and notices were issued to the interested raiyats under section 37(2) of the Land Acquisition, Rehabilitation and Resettlement Act, 2013. Pursuant to the notices issued, one awardee namely, Sri Devendra Singh filed his objection petition along with rent receipts, photocopy of khatian, family tree etc. Thereafter as per section 76 of the Land Acquisition Act, 2013, the matter has been referred to the authority (LARRA) Tirhut Division at Muzaffarpur where the same is pending.

In view of the above, this Court deems it appropriate to direct the petitioner to appear before the Authority (LARRA), Tirhut Division, Muzaffarpur. The petitioner will be at liberty to file a petition bringing to the notice of the Authority and raising all the points which have been raised in the instant writ



application as also which may be available to the petitioner. The Authority shall consider the submissions raised by the petitioner and proceed to decide the same in accordance with law at the earliest preferably within a period of six months from the date of receipt/communication of this order.

It may be clarified here that this Court has not entered into the merits of the case of the parties which will be decided by the Authority concerned.

This application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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