

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20116 of 2016

1. Chandeshwar Chaudhary S/o Late Ramkrit Chaudhary,
2. Ram Balak Singh, S/o Late Ram Lagan Singh,
3. Maheshwar Singh, S/o Late Ram Ayodhya Singh,
4. Ram Eshwar Mahto, S/o Late Dukhit Mahto,
5. Nageshwar Chaudhary, S/o Late Ram Ashish Chaudhary,
6. Bharat Chaudhary, S/o Late Jagarnath Chaudhary, All are resident of village
- Gochhi Chapra, P.S. Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms
Directorate of Land Acquisition ,
3. The District Collector, Muzaffarpur
4. The District Land Acquisition officer, Muzaffarpur
5. The Circle officer, Block - Kanti, District - Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

15 13-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Learned counsel for the petitioners submits that the
land of petitioners was acquired for the purpose of construction
of Ash Dike-Pipe line and extension of new unit of Muzaffarpur
Thermal Power Station Kanti in District- Muzaffarpur bearing
Revenue P.S. No.57.

3. Learned counsel for the petitioners submits that

admittedly the notification has been published on 15.11.2011. Counsel further submits that it has been admitted in paragraph-6 of the supplementary counter affidavit. It has been admitted by the Land Acquisition Officer that award has been prepared on 21.06.2016 annexed as Annexure- G of supplementary counter affidavit. Counsel for the petitioners further submits that on the basis of admission made by the answering respondent no.4 (District Land Acquisition Officer) the categorical instruction laid down under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'RFCTLARRA, 2013') [Act No. 30 of 2013] is applicable and petitioners are entitled for payment of compensation under the RFCTLARRA, 2013.

3. Learned counsel for the State submits that the counter affidavit itself shows that notification was published in the year 2011 and award was prepared in 2016, as such as per law particularly section 24(2) of the RFCTLARRA, 2013, the petitioners are entitled to be treatment under new law.

4. In this background, petitioners are directed to file representation before the District Land Acquisition Officer, Muzaffarpur, who shall calculate the compensation in

accordance with new Act i.e. RFCTLARRA, 2013 within eight weeks from the date of filing a fresh representation before him and assure the payment at the earliest.

5. With the aforesaid direction, the present writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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