

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.518 of 2023

=====

Neeraj Kumar, S/o Late Somar Ram, Resident of Village- Kasimpur, Ward
No.- 8, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Land Acquisition Officer, Bhagalpur.
7. The Sub Divisional Officer, Sultanganj, District- Bhagalpur.
8. The Block Development Officer, Sultanganj, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP 18)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present petition has been filed for a direction to
the respondents to pay adequate compensation as per the
government notification as well as rules provided under the
Land Acquisition Act, 1894 in consonance with the rate fixed
under MVR (Minimum Value Rate) by the Government of Bihar
from time to time.

3. Learned counsel for the petitioner admits that the



petitioner is interested in the enhancement of the compensation amount and the award has already been prepared, but he has not received the amount as yet.

4. Learned counsel for the petitioner submits that the petitioner along with others has filed a representation before the Collector, Bhagalpur as well as before the Divisional Commissioner, Bhagalpur Division, Bhagalpur, but till date, no action has been taken.

5. Learned counsel for the State submits that for the purpose of enhancement of compensation, the petitioner ought to have moved before the LARA by way of reference as mentioned in Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013').

6. Upon hearing learned counsel for the parties and going through the documents available on record as well as the position of law Section 64 of the Act of 2013, states as under :-

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.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

7. In the above-situated facts and circumstances and particularly when the petitioner has already filed a representation before the Collector, Bhagalpur, it is directed that the petitioner shall file a fresh representation before the Collector, Bhagalpur raising all the grievances as raised in the writ petition, particularly about the payment of enhancement of



compensation, whereupon the Collector, Bhagalpur is directed to refer the case of the petitioner treating it reference before the LARA.

8. However, the limitation period, if any, as indicated in Section 64 of the Act of 2013 is hereby condoned.

9. With the above observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

U			
---	--	--	--

