

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1061 of 2023

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1. Suresh Prasad Sharma @ Suresh Prasad Singh S/o Late Shital Singh, Present resident of Village - Nijamuddinpur, P.S. Jehanabad, District Jehanabad and Permanent R/o Village- Dhandhar Bigha, P.S.- Jehanabad, District- Jehanabad.
 2. Ranjay Kumar, S/o Suresh Prasad Sharma @ Suresh Prasad Singh, Present resident of Village - Nijamuddinpur, P.S. Jehanabad, District Jehanabad and Permanent R/o Village- Dhandhar Bigha, P.S.-Jehanabad, District- Jehanabad.
 3. Dhananjay Kumar, S/o Suresh Prasad Sharma @ Suresh Prasad Singh Present resident of Village - Nijamuddinpur, P.S. Jehanabad, District- Jehanabad and Permanent R/o Village- Dhandhar Bigha, P.S.- Jehanabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue and Land Reforms Deptt. Govt. of Bihar, Patna.
2. The Secretary Irrigation Department Govt. of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division Gaya.
4. The Collector Jehanabad.
5. The Additional Collector, Jehanabad.
6. The District Land Acquisition Officer, Jehanabad.
7. The Sub-Divisional Officer, Jehanabad.
8. The Special Land Acquisition Officer Sone Project Cum Punpun Nahar Project, Aurangabad.
9. The Circle Officer, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Sanjeeb Kumar, Advocate
For the Respondent/s	:	Mr. Rewti Kant Raman, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-07-2023

Learned counsel for the petitioners and learned
counsel for the State are present.

2. Learned counsel for the petitioners has filed this



writ petition for directing the respondent authorities to make compensation as per 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] as his land was acquired through Land Acquisition Case No. 208/2007-2008 but subsequently by numbered as L.A. No. 18/10-11 for construction of Punpun Barrage Branch Canal, appertaining to Khata No. 194, 175, 200 and Plot No. 1278, 1305 and 1306, measuring area 7.5 Decimal, 10 Decimal and 7 Decimal, total area 24.5 Decimal (Land of petitioner no.1), Khata No. 177, 176, Plot No. 1272, 1273, 1259, area 4 Decimal, 43 ½ Decimal and 9 Decimal total area 56 ½ Decimal (land of petitioner no.2 and 3).

3. Learned counsel for the petitioners submits that admittedly they have received the payment of the said acquisition with objection on 01.02.2017 after commencement of the RFCTLARRA, 2013 with effect from 01.01.2014. Counsel further submits that specific letter No. 1502 dated 11.09.2014 has been issued by Water Resources Department, Government of Bihar in which it has been instructed to all Special Land Acquisition Officer to make payment to the



petitioners whose lands were acquired in the light of Section 24 of the RFCTLARRA, 2013. Counsel for the petitioners further submits that the petitioners have filed representation which is annexed as Annexure-A4 before all concerned but till date the compensation amount in the light of Section 24 of the RFCTLARRA, 2013 has not been paid to them.

4. Learned counsel for the State submits that it is true that vide Annexure-1 series there is a direction to make payment according to Section 24 of the RFCTLARRA, 2013 but he submits that payment shall be made only to those who shall make representation before the proper authority.

5. In this background it would apposite to quote Section 24 of the RFCTLARRA, 2013 which states as follows:

“Section 24:-Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894.—

(a) where no award under Section 11 of the said Land Acquisition Act has been made



then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:



Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

6. Upon going through the said provision as well as the letter which is Annexure-1 series i.e. letter no. 1502 dated 11.09.2014 issued by the Director, Land Acquisition and Rehabilitation, it become crystal clear that petitioners are entitled for the compensation amount in the light of the RFCTLARRA, 2013.

7. In this background, petitioners are directed to file a fresh representation within four weeks from today annexing the order passed by this Court before Special Land Acquisition Officer, who is directed to make payment to the petitioners in the light of the RFCTLARRA, 2013 within eight weeks thereafter.

8. With the aforesaid direction, the present writ



petition is hereby disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.07.2023
Transmission Date	N.A.

