

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.179 of 2023

1. Nagendra Pandit Son of Late Bishwanath Pandit, Resident of Village and Post Office kateshar, Police Station Bihta, District Patna.
2. Mithilesh Kumar alias Mithilesh Rai Son of Late Ramesh Rai, Resident of Village Pathlautia, P.S. Bihta, District Patna.
3. Bharat Rai Son of Late Ramesh Rai, Resident of Vilage Pathlautia, Police Satation Bihta, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner- cum- Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Department of Revenue, Government of Bihar, Patna.
3. The Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Commissioner-cum-Secretary, Department of Industries, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Adv.
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-06-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has filed this writ petition with a prayer for payment of 75% Additional compensation as per Section 40(5) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short ‘the RFCTLARR Act 2013’) and other consequential benefits with interest under emergent provisions of the Act.

Learned counsel for the petitioner submits that the land of the petitioner has been acquired vide Notification No. 14/DLA/Industry/Patna/21/11-469(Ra) dated 28.03.2011 under the provisions of Land Acquisition Act 1894.

Counsel for petitioner submits further that award could not be prepared. The date of enforcement of RFCTLARRA (RFCTLARR Act 2013) which is Published in Gazette of India on 27.09.2013 and by virtue of Section 114 of the RFCTLARR Act (the Old Acquisition Act, 1894) has been repealed. There is special provision made in Section 40(5) of the new Act to pay additional compensation. In this regard, the Director of Land Acquisition, Bihar has published a letter no.1475 dated 07.12.2014 by which 75% additional compensation has to be calculated.

Counsel for petitioner submits that he has filed this writ petition only with a view to comply the Annexure-5 and its consequential benefit attached to said Annexure-5 due to its implementation.

Counsel for State submits that from the record, Annexure-2 series, it transpires that award has been prepared in 2015, in the name of petitioner.

In this background and due to change in position of

law, petitioner is directed to represent before the Collector, Patna with all his grievances along with the copy of writ petition, who is directed to assure the payment of petitioner in the light of Annexure-5 to the writ petition within 6 weeks from the date of filing representation by the petitioner before him, if he is entitled for the same.

With this direction, this civil writ application is hereby disposed of.

(Dr. Anshuman, J.)

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