

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1185 of 2023

1. Rajesh Kumar Son of Late Tarkeshwar Prasad Singh, Resident of Village Chandauli, P.S.- Belsand, District- Sitamarhi.
2. Anjani Kumar Son of Late Dineshwar Prasad Singh, Resident of Village Chandauli, P.S.- Belsant, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Land Reforms, Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi
3. The Additional Collector, Sitamarhi
4. The District Land Acquisition Officer, Sitamarhi
5. The Special Land Acquisition Officer, Bagmati Project, Sitamarhi
6. The Circle Officer, Belsand, Sitamarhi
7. The Executive Engineer, Design Division, Ratwara, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Sanjeeb Kumar Sanju, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-08-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. Learned counsel for the petitioners submits that the present writ petition has been filed directing the respondent to make the payment of the award to the petitioners towards compensation of the amount of the land which was acquired measuring about 5.14 Acre of land for different mouza relating to L.A. Case No. 29 of 76-77, 24/76-77, 58/76-77, 35/76-77, 4/76-77, 17/79-80, 9/79-80, which was acquired by the Special Land Acquisition Officer, Bagmati Project, Sitamarhi.

3. Learned counsel for the petitioners submits that

admittedly the land acquisition case was initiated according Land Acquisition Act, 1894, which also transpires from the case number but the same was not paid to the petitioners on the ground that there was a Ceiling Case No. 28/76 was pending in the court of A.D.M., Sitamarhi against the grand father of the petitioners namely, late Kamta Prasad and others. Counsel further submits that with the span of time, the said land ceiling case was decided in favour of the petitioners' grand father but thereafter no information with regard to payment of the compensation amount towards acquisition of the land were made to the petitioners or their ancestors. Counsel further submits that the petitioners were minor at that very period of time but subsequently when they become major, they have filed representation and persuaded the matter before the Land Acquisition Officer but nothing happened. Thereafter, they filed a RTI application but no information was provided. Thereafter, the petitioners have taken consultation to their advocate who informed that under Article 300(A) of the Constitution of India, it is the constitutional right of the petitioners to get the compensation particularly when the land belongs to their family and land ceiling case was decided in favour of the petitioners and others. Counsel further submits that the petitioners are

entitled to receive compensation according to new Acquisition Act, 2013.

4. Learned counsel for the State has filed counter affidavit. In the said counter affidavit, the stand has taken by the State that the amount of compensation was deposited in the Sitamarhi Treasury by the Land Acquisition Officer, according to the then law and vide letter dated 22.07.2023 District Land Acquisition Officer, Sitamarhi had issued a letter which is annexed as Annexure-C of the counter affidavit, in which it has been stated that the total 7.11 Acre of land of the petitioners' family was acquired and due to pendency of the Bihar Land Ceiling Act, 1961, payment of the compensation amount could not be made to the petitioners. By the said letter the Land Acquisition Officer, Sitamarhi has demanded the order passed in favour of the petitioners under Bihar Land Ceiling Act, 1961, Land Possession Certificate, latest rent receipt as well as Genealogical Table issued by circle office, on the basis of which the Land Acquisition officer, Sitamarhi is ready to make payment in favour of the petitioners.

5. In this background, counsel for the petitioners submits that they are entitled to receive the payment according to the new Act of Land Acquisition, 2013 as his matter covers

under category of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act No. 30 of 2013].

6. In this background, this Court directs the petitioners to first of all comply the instructions laid down in Letter No. 860 dated 22.07.2023 issued by the District Land Acquisition Officer, Sitamarhi and ascertain the same about their grievances. The petitioners shall be at liberty to receive the said amount with objection. Since there is delay due to the pendecny of the case and thereafter inaction on the part of the officials, they shall be at liberty to raise their matter for the reference. In their application, they shall raised all their claims for which they are entitled under the new Act of Land Acquisition, 2013 and the Collector of Sitamarhi shall decide their claim and direct their matter for reference under the law.

7. With the aforesaid observation, the present writ petition is hereby disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.08.2023
Transmission Date	N.A.