

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13998 of 2018

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Renu Devi, Wife of late Birendra Prasad Mandal @ Birendra Kumar Mandal,
Resident of Village- Kochagama, P.S. Narpatganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The District Land Acquisition Officer, Araria.
4. The Circle Officer, Narpatganj, Araria.
5. The Union of India through the Ministry of Road, Transport and Highway, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kamal Kishore Singh, Advocate Mr. Amar Nath Singh, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan, Advocate Ms. Prakritita Sharma, Advocate
For the UoI	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C. Mr. R. K. Sharma, C.G.C. Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 20-06-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Union of India.

2. The present application has been filed for a direction to the respondents to make payment of the compensation amount of the land acquired for the construction of the road parallel to India-Nepal border at Narpatganj Circle,



District-Araria vide Gazette Notification dated 11.05.2016.

3. Learned counsel for the petitioner submits that the petitioner is the widow of the late Birendra Prasad Mandal who died on 13.09.2011. The said Birendra Prasad Mandal is the son of Manikchand Mandal who has two sons namely, Surendra Kumar Mandal and Birendra Prasad Mandal. He further submits that under the land acquisition proceeding bearing Land Acquisition Case No. 01 of 2015-16, the raiyati land of both brothers, namely, Surendra Kumar Mandal and late Birendra Prasad Mandal (husband of the petitioner) were acquired. The compensation amount to Surendra Kumar Mandal was paid under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to 'as the Act of 2013'). Learned counsel for the petitioner further submits that the petitioner being a widow appeared before the Land Acquisition Officer and filed an application along with all relevant documents, but she has not received any compensation amount. Hence, the present petition has been filed by her.

4. In the writ petition, a counter affidavit has been filed on 25.02.2023 on behalf of respondent Nos. 2 to 4. In the said counter affidavit, the stand has been taken by the



respondents that the payment of the compensation amount to which the husband of the petitioner was entitled in the year 2016 is to be transmitted to the bank account of the petitioner. In this regard letter no. 1652 of 2023 dated 21.01.2023 has been issued under the signature of respondent No.3, namely, the District Land Acquisition Officer, Araria which is annexed as Annexure-A to the counter affidavit.

5. Learned counsel for the petitioner further submits that since the said amount for which the petitioner was entitled was not paid on time, therefore, she has the right to prefer reference to the Authority under Section 64 of the Act of 2013 on the ground that the said compensation amount which has been sanctioned and directed to be transmitted in the bank account of the petitioner has not been determined in accordance with the law. Learned counsel for the petitioner further submits that the Collector is empowered to entertain the reference maximum within one year from the date of the payment order. Here, in the present case, one year has not elapsed. The petitioner has acknowledged by virtue of a letter dated 21.01.2023 which has been annexed with the counter affidavit that the amount has been sanctioned and directed to be transmitted in the bank account of the petitioner.



6. Learned counsel for the petitioner further submits that there is no occasion for the petitioner to raise an objection to this amount, but on the instruction of his client, he submits that he has an objection to receiving the said amount.

7. On the contrary, learned counsel for the State submits that the grievances of the petitioner have already been redressed and nothing is left to be considered.

8. It is crystal clear from the document of acquisition proceeding that the land of two brothers was acquired. The first brother received the compensation amount in the year 2017 itself whereas admittedly the said compensation amount which was due on the part of the husband of the petitioner was sanctioned and directed to be transmitted to the bank account of the petitioner in the year 2023 itself. As such, in view of this Court, the petitioner has the right to raise his grievances under Section 64 of the Act of 2013.

9. Accordingly, the petitioner is granted liberty to file a written application before the Collector, Patna under Section 64 of the Act of 2013, whereupon the Collector after the hearing shall refer this matter for the determination of the authority.

10. It is expected from the Collector concerned to pass the necessary order on the written application filed by the



petitioner within three months from the date of its filing before the Collector.

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

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2023
Transmission Date	NA

