

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1316 of 2020

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Shiv Kishore Kuwar Son of Sri Jaleshwar Kuwar Resident of Village-
Sahwajpur, Post- Ghatho, Police Station- Ujiarpur, Circle Office- Ujiarpur,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The Chief Secretary, Govt. of Bihar.
3. The District Magistrate, Samastipur.
4. The District Land Acquisition Officer, Samastipur.
5. The Circle Officer, Ujiarpur, District- Samastipur.
6. The State Highway Authority through the Project Manager N.H. 88 (Baruna
Pul to Rashiyari Widening), District- Samastipur.
7. Ravi Narayan Kumar Son of Late Ram Bilash Kuwar Resident of Village-
Sahwajpur, P.O.- Ghatho, Police Station and Circle Office- Ujiarpur,
District- Samastipur.
8. The Gram Panchayat Pararia, Block Ujiarpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, GP 18
		Mr. Navnit Kumar, A to GP 18

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

15 27-04-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s) :

*“1. That this petition is being filed for
issuance of writ/writs, order/orders,
direction/directions, command/commands and
further for issuance of a writ in the nature of
certiorari to quash the part of land Acquisition*



Award Under Section 23 and 30 of the Act 30 of 2013 in Land Acquisition Case No. 68/2012-13 45/2015-16 against land acquisition for the project of widening of State Highway N.88 Barunapul to Rasiari under Declaration No.15/D.LA.Samastipur dated 20.6.2013 at Revenue village-Sahwajpur, Thana No.315, Anchal Ujiarpur in favour of Respondent No.7 namely Ravi Narayan Kuwar as award illegally on strength of forged document and fabricated wrong genealogical table being stranger to the land, award created as his name find place at Sr.No.10 for Rs.289542/- for acquisition and land of Plot No.190 an area of 0.055 Acre (Annexure-6) and petitioner further prays for quashing the notice under section 37(2) of the Act 30 of 2013 dated 21.3.2017 issued under signature of Respondent Collector Respondent No.3 inspite of pendency of objection/claim of petitioner against payment and preparation of award vide Land Acquisition Case No. 68/2012-13 45/2015-16' Parcha No.10, L.A.No. 9, declaring the respondent no.6 as "Hit Sambadh" in respect of Land Acquired. (Annexure-6) violating the guide line information issued for necessary document issued by the respondent District Land Acquisition Officer (Annexure-1) and petitioner further prays to quash the order dated 20.2.2017 passed in L.A.Misc.Case No.41/2016, Shiv Kishore Kuwar Vs. Ravi Narayan Kuwar passed by District Land Acquisition Officer, Samastipur Respondent No.4 (Annexure-13) being



without jurisdiction as not entitled to declare the disputed title as well as violation of its own guideline (Annexure-11) and directed to release the compensation in favour of Respondent No.7 as the order is not only illegal having lack of power and without jurisdiction based on Amin Report dated 20.2.2017 which is itself nothing but is also fit to be quashed (Annexure-13) and while adjudication of objection of petitioner dated 4.2.2017 (Annexure-8) release and issue the compensation amount cheque in favour of respondent No.7 being illegal, hence a direction be issued to respondent no.3 as well as respondent no.4 to recover the award amount of award No.10 from the respondent No.7 and deposit it in Government/Court till the declaration of title over the said acquired land or till the disposal of this writ application and petitioner further prays for a direction to respondent No.2 to constitute a high level enquiry committee to enquire the such illegal intermingling of public amount in preparation and payment of compensation against the Land Acquisition Process against Respondent No.4 and 5 so that petitioner like land holder be not deprived from their rights against their title as entitled under Article 300A of the Constitution of India and further prays for grant of any other relief/reliefs for which petitioner found entitled in the facts and circumstances of the case.”



3. The case of the petitioner in brief is that with respect to the acquisition of the raiyati land of the petitioner, the payment of amount of compensation for the land acquired has been made to the respondent no. 7 instead of the petitioner and hence the instant writ application.

4. As per the case of the petitioner, the land of the petitioner was acquired and used for construction of State Highway no. 88 but on the basis of forged materials/documents, the respondent no. 7 managed to take compensation for the same.

5. Having heard learned counsel for the parties and taking into consideration the submissions made, it would be relevant to refer to section 64 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 which is quoted herein below for ready reference :

“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) if the 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 Collectors 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 Collectors 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.” (emphasis supplied)

6. From perusal of 64 of the Act as quoted herein above, it would transpire that any person who is aggrieved by the award may make an application to the Collector and the said objection may relate to various matters mentioned in the section including objection with respect to the person to whom the compensation is payable, as is the grievance of the petitioner in the instant case.

7. In view of the above, this application is disposed of giving liberty to the petitioner to file an appropriate application



before the Collector which shall be referred to the Authority as provided under section 64 of the Act. The Authority concerned shall decide the same in accordance with law within a period of four months of receipt thereof.

8. It may further been mentioned that pursuant to the interim directions passed by this Court, certain inquiries were conducted. The Authority concerned in deciding the reference under section 64 of the Act shall decide the same afresh without basing their decision on any inquiries conducted in the past.

9. Writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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