

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2990 of 2024

Subhash Jha Son of Sushil Jha Residents of Village- Shrikhandi Bhittha, P.O.-
Srikhandi Bhittha, District- Sitamarhi, Bihar, 833331

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Land Acquisition Officer, Sitamarhi.
5. The Circle Officer Sursand, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr. Ajay, GA-5

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-06-2024 Heard Mr. Jai Vardhan Narayan, learned counsel
for the petitioner and Mr. Ajay, learned G.A.-5.

2. That the petitioner seeks the following relief in
this writ petition:-

*I. Issuance of directions, orders or writs in
the nature of mandamus directing the
Respondents to forthwith pay enhanced
adequate compensation to the Petitioner in
lieu of his rayati land that has been acquired
appertaining to Khata No. 202, Khasra Nos.
13961, 13958, 13957, 13956, 13960, 13968*



and 14044 for respective areas situated at mauza Shrikhandi Bhittha, Thana Sursand, Revenue Thana No. 49, District Sitamarhi in Land Acquisition Case No. 01/2022-23 after having fixed an irrational rate against the rules and regulations and also for Khasra Nos. 13950, 23951 and 13952 against the rules and regulations fixed at an irrational rate and the petitioner had been granted the aforesaid compensation amount by the order of the District Land Acquisition Officer vide order passed on dated 21.04.2023 and the same had been received by the petitioner with objection.

II. Issuance of directions, orders or writs in the nature of mandamus directing the Respondents to forthwith decide the case of the petitioner by way of representation in as much as the amount of compensation which has been invariably and arbitrarily granted to the petitioner without considering the basic and necessary facts that as far as Plot



No. 13951 is concerned, the registry was executed at Rs. 2.40 lakhs per decimal to the Government has fixed the amount at Rs. 96,000 per decimals and for Plot No. 13961 the amount which is being received by way of fisheries is 50,000 whereas the Government has fixed 29,000 per katha which is complete arbitrary and against the spirit of the statutory provisions as provided under the Right to Fair, Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "the Act of 2013")

III. Any other relief or reliefs for which the petitioner may be deemed entitled to.

3. Though, learned counsel for the petitioner tried to impress upon this Court that the fair compensation has not been provided to him, learned State Counsel submitted that a perusal of the writ petition would show that he has received the award amount along with objection, pursuant to the order passed by the District Land Acquisition Officer, Sitamarhi dated 21.04.2023.



4. It is his further submission that if the petitioner is aggrieved, he can approach the Arbitrator for redressal of his grievance under appropriate section of the Act.

5. Learned counsel for the petitioner submits that he will be preferring appropriate petition before the Arbitrator within a period of four weeks. If such petition is filed, the concerned authority shall take into account that the writ petition was pending before this Court while taking up condonation petition.

6. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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