

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7823 of 2018

Vijay Kumar Yadav Son of- Ram Chandar Prasad Yadav, resident of Village-Bairiya, P.O.- Indian Engineering College, P.S.- Motihari M, District-Motihari East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms, Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Land Acquisition Officer, East Champaran Motihari.
4. The Circle Officer, Motihari Sadar Block, East Champaran Motihari.
5. Rajesh Kumar Shrivastava, Son of Late B.R. Loknathan, resident of Village-Bankath, Police Station- Muffasil, District- Motihari East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-09-2024

Heard the parties.

2. The petitioner by filing the present writ petition under Article 226 of the Constitution of India seeking a direction upon the respondent no. 3, the District Land Acquisition Officer, East Champaran at Motihari to make award in favour of the petitioner, whose land bearing Khata No. 7, Kheshra Nos. 797 & 798, total area – 1 katha, 7 dhurs as well as 18 katha, 7 dhurs bounded by North-Road, South-Suraj Sah, East-Kheshra No.-795, West-Kheshra No.801 (Bhuwali Das) has been acquired for the Construction of Mahatma Gandhi Central University, Motihari. The petitioner also prayed for



disposal of Land Acquisition Case No. 06 of 2013-14, in favour of the petitioner on the basis of sale deed, land possession certificate, rent receipt as well as physical possession.

3. Adverting to the averments made in the writ petition, learned Advocate for the petitioner contended that the petitioner has purchased the aforementioned land, in question, through registered sale deed in the year 2009 from Ramanand Manjhi and came in peaceful possession since then. After completion of the entire process of land acquisition, when the respondent authorities on being satisfied was to make award in respect to the land, in question, in favour of the petitioner, in the meantime, the private respondent no. 5 (Rajesh Kumar Shrivastava) has submitted his application before the Land Acquisition Officer with an objection therein, that the land belongs to him and, as such, he is entitle to get award.

4. A counter affidavit has been filed on behalf of the respondent nos. 2 to 4. Learned Advocate for the State submitted that once the award is finalized and notice under Section 37 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is issued by the Collector, there is no scope of hearing the matter by the Collector. In view of the settled position, the matter has been referred to the Land



Acquisition Rehabilitation and Resettlement Authority, Tirhut Division, Muzaffarpur vide letter no. 92 dated 05.11.2019, under Section 76 of the Act, 2013 for determination of entitlement/apportionment of compensation for the land, in question.

5. Learned Advocate for the petitioner, at this juncture, submitted that though the matter has been referred to the Land Acquisition Rehabilitation and Resettlement Authority, Tirhut Division, Muzaffarpur, vide Annexure-B to the counter affidavit, but till date, neither the matter has been considered nor notice has been served upon the petitioner and, as such, in the aforesaid background, he seeks early disposal of the case of the petitioner pending before the Land Acquisition Rehabilitation and Resettlement Authority, Tirhut Division, Muzaffarpur.

6. Having heard the submissions advanced and the materials available on record, this Court deems it proper to dispose off the writ petition with a direction to the the Chairman of the Land Acquisition Rehabilitation and Resettlement Authority, Tirhut Division, Muzaffarpur to dispose of the reference made by the competent authority, as contained in letter no. 92 dated 05.11.2019, the copy of which has been brought on record by way of Annexure-B to the counter affidavit, preferably within a



period of four months, from the date of receipt/production of a copy of this order, after giving proper opportunity of hearing to all the stakeholders.

7. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2024
Transmission Date	NA

