

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5283 of 2018

Chandeshwar Yadav @ Dhorha Yadav Son of Late Ganga Yadav, Resident of Village-Korawan, Post Office-Korawan, Police Station-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary, Reforms Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate-Cum-Collector, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Managing Director, Road Development Corporation State Highway, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra

For the Respondent/s : Mr.Raj Kishore Roy-Gp18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-11-2024 In the instant writ petition, petitioner has prayed for the following reliefs:-

(i) For payment of compensation to the petitioner petitioner as in the land of Commercial the Plot situated on link road of Naubatpur Bihta Road after enquiry in accordance with law in the light of categorization of the Government of commercial plot which was issued vide letter No. 10/2015 5021 dated 18.12.2017 in the interest of the farmer and further payment of compensation in light of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation



and Resettlement Act, 2013.

(ii) For payment of amount of compensation to the petitioner in the light of Notification issued by the Central Government vide D.O. No.13013/01/2014LRD (PL) dated 26.10.2015 and further notified by the State Government vide letter No. 14/DLA-Margdarshal-LA Act (Bharat Sarkar)-238/2013-1342 dated 14.12.2015 in the light of Section 24 (i) (a) of the Provision of Right to Fair Compensation Transparency in and Land Acquisition Rehabilitation and Resettlement Act, 2013 for payment of compensation to the petitioner in the light of Market value of the land on 01.01.2014 which was notified by the Central and Government State Government in the interest of the farmer.

(iii) For any other relief/reliefs which the petitioner for are entitled under the law in the light of fact and circumstances of the case in the interest of justice.

2. Learned counsel for the petitioner submits that by virtue of Land Acquisition Case No.47 of 2011-12 initiated by the District Land Acquisition Officer, Patna for construction of Bihta-Sarmera State Highway No.78 dated 21.02.2012, notice under Section 17 (A) of the Land Acquisition Act has been issued to the petitioner for payment of compensation amount of 80% the valuation of the land bearing Khata No.132, Khesra



No.1424, Area about 73 decimal, situated in Mauza-Korawan, Chandra No.2, Thana No.147, Police Station-Naubatpur, District-Patna. He further submits that he has approached this Court for getting the remaining amount of 20% of the valuation of the land. He, however, submits that he has not filed any application/representation before the competent authority. He further submits that the award has been prepared by the respondent authorities in the year 2017 on the basis of Section 12(2) of the Land Acquisition Act, 1894, as stated in para 22 of the writ petition.

3. Learned counsel for the State submits that he has already admitted that 80% award has already been given to the petitioner but 20% award has not been given to the petitioner. He further submits that petitioner has not approached any appropriate authority for getting the award of 20% and he has directly rushed to this Court in its writ jurisdiction. On that score, the present writ petition is not maintainable.

4. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming. Accordingly, the present writ petition stands



disposed of as not maintainable.

6. However, disposal of the writ petition would not be hurdle for the petitioner to represent his grievance before the concerned authority. If petitioner submits his representation before the concerned authority within six weeks from the date of receipt of this order, the concerned authority is directed to hear the grievance of the petitioner and pass order expeditiously, in accordance with law.

(Alok Kumar Pandey, J)

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