

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7333 of 2018

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Deepak Kumar S/o Late Ajab Narayan Singh, Resident of Village- Barki Mahamadpur, P.S.- Bakhitarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department-Cum Director, Land Acquisition, Bihar,
3. The General Manager (Personnel) East Central Railway Hajipur Bihar.
4. The Divisional Railway Manager, East Central Railway, Danapur.
5. The Collector, Patna.
6. The Additional Collector, Barh.
7. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-08-2024

Heard the parties.

2. The petitioner is aggrieved by non payment of the compensation amount as per the existing market value of his acquired land appertaining to Khata No. 62, Kheshra No. 126 having an area of 22 decimal, which land was acquired for the construction of Bakhtiyarpur-Rajgir Extension Line and yard.

3. A counter affidavit has been filed on behalf of the respondent nos. 5 and 7. It is categorically averred that the land at Mauza-Mirdaha Chak, Thana No. 134, Area 2.39 acre has been acquired for construction of Bakhtiyarpur Triangle Rail



Line project after following due procedure of law vide Land Acquisition Case No. 10/2002-2003. A notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”) and declaration under Section 6 of the Act have already been made and the same has been published in two local newspaper on 21.03.2002 and 28.03.2002. The notice under Section 9 of the Act, was also issued to the concerned land owner and *mukhiya* of the gram panchayat, stating therein, that the Government intends to take possession of the land and claims to compensation for all interests in such land may be made. After fixation of the rate and adding the applicable interest etc., the process of payment of 80 per cent compensation to affected land owners was started and possession of the land has been handed over to the Requisitioning Authority. After declaration of the award notice under Section 12 (2) of the Act had already been issued.

4. It is fairly contended that the land bearing Khata No. 62, Plot No. 126, Area 17 decimal lands is also under acquisition for the aforesaid project. However, till date, the petitioner has not submitted any claim for payment of compensation in prescribed format along with required document in support of his claim, i.e., copy of khatian/sale



deed, land possession certificate, revenue receipt, bank account, no objection from other co-owner, if any, etc. It is also contended by the learned Government Pleader that after submission of the claim of the petitioner along with required document and after proper verification by the answering respondent, the decision for payment of compensation will be taken.

5. In view of the fair submissions made on behalf of the learned Advocate for the State, the writ petition stands disposed of with a liberty to the petitioner to ensure filing of proper application in a prescribed format along with required documents before the respondent no. 7, preferably within a period of four weeks, from today.

6. If such an application is filed along with all the necessary documents, the same shall be considered by the respondent no. 7 and if the claim of the petitioner finds favour, necessary compensation shall be paid to the petitioner, in accordance with law, within a further period of twelve weeks.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2024.
Transmission Date	NA

