

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.748 of 2016

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Ram Shekhar Singh son of Late Ram Lakhan Singh, resident of Village-Korai, P.S.- Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms Department, Patna.
2. The Deputy Secretary of the Government of Bihar, Revenue and Land Reforms Department, Patna
3. The Director, Land Acquisition Directorate, Government of Bihar, Patna
4. The Collector, Begusarai.
5. The District Land Acquisition Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Mr. Majiabaul Haque, GP-12
		Mr. Pranoy Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-01-2024 1. Heard learned counsel for the petitioner and the State.

2. By way of the instant writ petition, the petitioner assails the award dated 12.02.2015 passed by the Collector, Begusarai (Respondent No. 4) in Land Acquisition Case No. 01/10-11.

3. It is the contention of the petitioner that his land pertaining to Khesra No. 3, 5 and 17, Mauza- Raja Dumari, Khata No. 4, District- Begusarai, has been acquired by the respondent-Authorities for installation of Sewerage Treatment Plant. He contends that compensation for the same should have



been fixed treating the land of the petitioner as commercial.

4. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioners have got alternative remedy by way of filing an application before the Collector in terms of Section 64 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which reads as follows:-

“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.”

5. Learned counsel for the petitioner does not dispute the contention made on behalf of the State.

6. In the facts and circumstances of the case, this writ



petition is disposed of with a direction to the petitioner to file a representation before the Collector, Begusarai (Respondent No. 4), along with all the relevant documents in support of the claim, within a period of six weeks from the date of receipt/production of copy of this order.

7. If such representation is filed before respondent No. 4 (the Collector, Begusarai) within the stipulated period, the same shall be disposed of in accordance with law after hearing the parties, preferably within a further period of six months from the date of receipt of the representation.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court.

(Prabhat Kumar Singh, J)

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