

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3865 of 2024

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Upendra Yadav Son of Late Nando @ Nandu Yadav, resident of Village-
Bharain, P.O.-Sughrain, P.S.-Kusheshwar Asthan, District-Darbhanga, Pin
Code-848207 (Mob. 6265349278).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of revenue Department, Govt. of Bihar, Patna.
2. Collector/D.M. Darbhanga, P.O. and P.S. and District-Darbhanga.
3. District Land Acquisition Officer, Darbhanga.
4. Rameshwar Yadav son of Late Sokhi Yadav, resident of Village Puhiya, P.O.-Sohua, P.S.-Bithan, District-Samastipur, Pin-848207.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Din Bandhu Singh, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, A.C. to A.A.G.-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2024 Heard Mr. Din Bandhu Singh, learned Counsel for

the petitioner and the State.

2. The present petition has been preferred for the:-

*issuance of writ in nature of Mandamus
or any other appropriate writ, order or direction
commanding the respondents specially District
land Acquisition Officer, Darbhanga to pay
compensation amount for 23 decimals in Khesra
No.8134 instead of 11 decimal lands which has
been acquired for Kamla Balan Right Embankment
Extension for Sugrain Mauja Ward No.8, Khesra
No.8134.*

3. The claim of the petitioner is that though he was



entitled to bigger compensation (23 decimal), the award was prepared for only 11 decimal for which he has taken payment with under protest. He further submits that he requested the Collector, Darbhanga under section 64 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth for short 'the 2013 Act') to refer the matter to Land Acquisition Rehabilitation and Resettlement Authority on 19.08.2022 but he failed to refer the same forcing him to approach this Court.

4. Section 64 of 'the 2013 Act' read 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.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award:

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

5. From the aforesaid facts, it is clear that if the Collector fails to refer the matter within thirty days, the provision has been given to the aggrieved party to approach the authority with a request to direct the Collector to make reference.



6. It seems the petitioner failed to avail the remedy within the stipulated period of thirty days and hence chose to approach this Court.

7. Learned Counsel for the petitioner submits that he intends to file an appropriate petition before the authority concerned alongwith the limitation petition.

8. In that background, the writ petition stands disposed of with an observation that if the petitioner approaches the authority within a period of four weeks from today, the concerned authority shall consider the limitation petition taking into account the fact that he was agitating the matter before this Court.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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