

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5089 of 2020

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1. Surendra Kumar Singh Son of Late Anant Singh Resident of Village- Sinha, Post Office- Sinha, Police Station- Krishnagarh, District- Bhojpur.
 2. Harindra Naayan Singh Son of Late Satya Narayan Singh Resident of Village- Sinha, Post Office- Sinha, Police Station- Krishnagarh, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, the Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, the Government of Bihar, Patna.
3. The Special Secretary, Revenue and Land Reforms Department, the Government of Bihar, Patna.
4. The Secretary, Home Department, the Govt. of Bihar, Patna.
5. The Divisional Commissioner, Patna Division, Patna.
6. The District Magistrate-cum-Collector, Bhojpur.
7. The District Land Acquisition Officer, Bhojpur.
8. The Circle Officer, Anchal Barhara, District- Bhojpur.
9. The Circle Inspector, Anchal- Baarhara, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh, Advocate
Ms. Seema Ghazala, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 23-04-2024

Re: I.A. No. 1 of 2023

The aforesaid Interlocutory Application has been preferred for substituting the legal heir of the petitioner No. 02, Harindra Naayan Singh who died on 08.09.2022. The details of the heirs is/are incorporated in paragraph-4 which read as follows:-

“(i) Saroj Devi, (Female), aged about 53 years, W/o late Harindra Narayan Singh.

(ii) Vivek Kumar Singh, (Male), aged about 30 years, Son of late Harindra



Narayan Singh.

(iii) Raja Kumar Singh, (Male), aged about 23 years, Son of late Harindra Narayan Singh.

(iv) Uttam Kumar Singh, (Male) aged about 21 years, Son of late Harindra Narayan Singh.

(v) Laxmi Kumari, (Female), aged about 35 years, W/o Bimlesh Singh, Daughter of late Harindra Narayan Singh.

(vi) Rinki Kumari, (Female), aged about 28 years, Wife of Chandan Kumar Singh, Daughter of late Harindra Kumar Singh.

(vii) Chhoti Kumari (Female), aged about 25 years, Daughter of late Harindra Narayan Singh.

(viii) Ankita Singh, (Female), aged about 18 years, Daughter of late Harindra Narayan Singh.

All are residing at village- Sinha, Post Office – Sinha, Police Station- Sinha, O.P. (Krishnagarh Barhara), District- Bhojpur at Ara, Pin Code- 802316”

2. There is no objection from the other side.

3. In that view of the matter, **I.A. No. 01 of 2023 is allowed.**

4. Let the names of the heirs of petitioner No. 2 be



incorporated as petitioner Nos. 3 to 10.

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5. Heard the parties.

6. The present writ petition has been preferred for the grant of following relief:-

“(i) To quash the notice dated 29.06.2019 issued under signature of District Magistrate (Collector), Bhojpur under section 30 of Right to Fair compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 by which the petitioners have been asked to receive the compensation amount without hearing the petitioners.

(ii) To quash the notice dated- 29.8.2019 & 26.12.2019 issued under signature of District Magistrate (Collector) & District Land Acquisition Officer, Bhojpur respectively under section 37(2) of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(iii) To stop the proceeding of L.A. Case no. 06/2011-2012 and no. 49/2012-1013 which has been initiated by the Respondent authority.

(iv) To quash the notice section 4 Act I of 1964 issued in name of petitioners'



grandfather in connection with LA Case no. 49/2012-2013.

(v) To direct the respondents authority not to construct the police station on the petitioners' land.

(vi) To direct the respondent's authority not to construct the police station in middle of village in the interest of justice without assessment of social impact as provided in law/ Act.

(vii) To direct the Respondents authority to release the land in question from the Acquisition and to further direct them to construct the police station building on Government land which is available on main Road, in same village.

(viii) For any other relief(s) for which the petitioners are found entitled in the facts and circumstances of the case.”

7. A counter-affidavit on behalf of the respondent Nos. 6 to 9, duly signed by the District Land Acquisition Officer, Bhojpur is on record and paragraphs 8, 9 and 10 read as follows:-

“(8) That it is submitted that as the Police Outpost was already running from the same premises, the one acre land in its vicinity was found proper to establish a



Police Station. Accordingly the Proposal for acquisition was made and it was certified by the Circle Officer, Barhara, Bhojpur on 26.09.2011. The Requisition was made on 07.10.2011 (Annexure 3 of the writ petition) by the Home Department, Bihar. Accordingly the L.A. case no. 06/2011-12 and case no. 49/2012-13 was initiated. The Notification was issued vide letter no. 888 dated 19.03.2013 and the Proclamation was issued vide letter no. 893 dated 20.03.2013 by the Collector, Bhojpur. The Notification was published in two local News Paper dated 10.04.2013 and 11.04.2013. The Notification in the Official Gazette was published on 03.05.2013. The Notices under Section 4 Act 1 of 1964 has been issued to all the parties on 04.06.2013 (Annexure I of the writ petition) which was duly served.

(9) That it is submitted that as per records the petitioner's grandfather Udhari Singh and Tulsi Singh, both son of Ram Nihora Singh were given notice for their land pertaining to Khata no. 606, plots no. 4027,4028,4031,4032 and 4033 total area 0.51 Acre. After making an Award under the RFCTLARR Act 2013 (Award no.2) of Rs. 55,967,26/ the Notice under Rule 30 of the Act, 2013 was issued on 29.06.2019, 29.08.2019, 26.12.2019 and 20.06.2020, but



the petitioners never appeared to receive the compensation.

(10) That it is submitted that the Competent Authority -cum- District land Acquisition Officer, Bhojpur vide order dated 24.08.2021 passed in L.A. case no. 06/2011-12 finally directed to deposit the compensation amount in the account of the Registrar, Land Acquisition, Rehabilitation and Resettlement Authority Patna.”

8. Reply to the counter-affidavit has been filed and the same be kept on record.

9. In that background, learned counsel appearing on behalf of the petitioners, Mr. Upendra Kumar Singh submits that the petitioners shall be approaching the respondents to receive the compensation amount.

10. Learned State counsel submits that once they appear, after looking into their bona fide as also the documents, necessary order shall be passed within a period of three months thereafter.

11. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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