

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7658 of 2016

1. Sudhir Kumar
2. Arun Kumar Mandal Both sons of Late Maheshwari Mandal Both residents of Village- Magurjan, Nipania P.S.- Barhara Kothi, Distt- Purnea Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water REsources Department, Bihar, Irrigation Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Bihar, Irrigation Bhawan, Patna.
4. The Collector of the District DM, Purnea.
5. The Special Land Acquisition Officer, Kosi Project, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar , Advocate
For the Respondent/s : Sunil Kumar Mandal (Sc3)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-01-2024 **Re: Interlocutory Application No. 01 of 2019:-**

The Interlocutory Application No. 01 of 2019 has been filed by the heirs and legal representatives of the petitioner No. 1, namely Sudhir Kumar for substitution of their names in place of the petitioner No. 1 who died during pendency of the present case on 02.05.2019.

2. In view of the reasons assigned in the substitution petition, Interlocutory Application No. 01 of 2019 is allowed.



3 . Office is directed to substitute names of legal heirs/representatives of the petitioner No. 1, namely Sudhir Kumar duly mentioned in paragraph No. 3 of I.A. No. 01 of 2019, and make necessary changes in the cause title.

Re: C.W.J.C. No. 7658 of 2016:-

Heard learned counsel for the parties:

2. This writ application has been filed for the following reliefs:

“(i) To direct the Respondent-authorities to pay the amount of interest over the total amount of compensation Rs. 10,08,000 (Ten Lakhs eight thousand) which had been paid to the petitioners vide Annx-2, and thus the existing Market rate has been denied to the petitioners.

(ii) To direct the respondents-authorities either to pay themselves all the due amount of interest /solatium and other dues amounts from the day of acquisition/taking possession or they refer the whole matter/case before the Land Acquisition judge, as has been prayed by the



petitioner U/S 18 of the L.A. Act, 1894 vide Annx- 3 hereto.

(iii) To direct the respondents-authorities to allow all the prayers made by the petitioners vide Annx-3 hereto and grant all the reliefs sought for by the petitioners therein.

(iv) To direct the respondents-authorities to pay the amount of compensation to the petitioners as per the current Registration rate chart, fixed by the Govt. for the year 2013-14, though the petitioner has been paid the amount of compensation as per the very old rate meant for the agricultural land.

(v) To direct the respondents-authorities to pay the amount of compensation to the petitioners at the rate of Rs.12,000/per decimal as the lands in question were residential in nature, or pay at the rate of 8,640/per decimal even if it is held (though denying) to be an agricultural land, but the payment has been made to the petitioners arbitrarily only at the rate of Rs.3,000/ per decimal which is unjust

(vi) To direct the respondents-



authorities to pay compensation to the petitioners as per the new Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred to as the New Act 2013) which entitles the amount of compensation four times to the Government fixed price.

(vii) To direct the respondents-authorities to treat the acquired plots in question as residential and to pay the amount of compensation as per the updated residential rate and the Market rate already fixed by the government in view of the said New Act 2013.

(viii) To direct the respondent-authorities to meet all irreparable losses/grievances which have caused to the petitioners due to the delayed payments made to the petitioners recently vide Annx- 2 after about 24 years of acquisition/taking possession, as the acquisition of the lands in question took place in the year 1988-89 itself.

(ix) To hold and declare that the Resp. no.5 had no jurisdiction to reject the reference vide Annx- 5 hereto as prayed for by the petitioners U/S 18 or U/S 30 of the



L.A. Act, 1894 vide Annx- 3 hereto .

(x) To hold and declare that all the acquired plots are residential in nature, and the petitioners have been denied even the updated agricultural rate and interest already fixed by the Government.

(xi) To hold that the petitioners are entitled to the amount of compensation as per the market rate (laid down under Section 23 of L.A. Act, 1894 & section 26 of New Act, 2013) as well as other amount of Bonus and interest over the total amount.”

3 . After some arguments, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to seek remedy before the appropriate forum.

4. In the aforesaid view of the matter, the writ petition is permitted to be withdrawn with liberty to the petitioner to seek remedy as may be available to him in accordance with law.

(Prabhat Kumar Singh, J)

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