

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4621 of 2022

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Rekha Singh, Wife of Lagna Deo Singh, Resident of Birpur Ward No. 5 under
Nagar Panchayat Birpur, P.S. - Birpur Block and Anchal - Basantpur, District
- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Collector Cum District Magistrate, Supaul.
5. The District Land Acquisition Officer, Supaul.
6. The Sub-Divisional Officer Cum Additional District Land Acquisition Officer, Birpur, District - Supaul.
7. The Circle Officer, Basantpur, P.S. - Birpur, District - Supaul.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-01-2024 Heard learned counsel for the petitioner and the State.

2.Writ petition has been filed for directing the respondents for fixing and paying adequate compensation on market rate of the land of the petitioner mentioned in paragraph 1 of the writ petition as well as for setting aside notice dated 19.6.2021 by which petitioner has been directed to receive compensation amount of Rs.5,93,478.07/-.

3. At the outset, learned counsel for the State submits that the petitioner is entitled to get adequate compensation in accordance with the law. He submits that in view of provisions contained in section 64(1) of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', matter is required to be heard by the



District Magistrate (respondent no.6) for proper assessment of the compensation amount.

4. Section 64 of the Act is reproduced herein below for easy reference:-

“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 controvert the submission of the State counsel.

6. In the facts and circumstances of the case, let the petitioner file an application before the respondent no. 4 along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such application is filed by the petitioner within the aforesaid period, respondent no. 4 shall examine claim of the petitioner and pass a reasoned and speaking order in accordance with law after hearing the parties



preferably within a further period of six months.

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.

9. Writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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