

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8434 of 2016

=====

Chaitnya Anand Son of Sri Anand Mohan Resident of Village- Atlakha,
PS Atlakha District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Secretary, Revenue and Land Reforms department ,
Government of Bihar.
3. The District Magistrate, Patna.
4. The land Acquisition Officer, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar , Advocate
For the Respondent/s : Md. Khurshid Alam, AAG 12
Nutan Sahay, AC to AAG 12

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-02-2024 Heard learned counsel for the parties.

2. This writ application has been filed for
issuance of direction in the nature of mandamus for
commanding the respondent authority to make payment
of compensation of land acquired by the State
Government for public purpose i. e., *Thosh Awasist*



Nistaran (Solid Waste Disposal) at present market or Govt. rate with interest or direction to dispose of the representation with reasoned order filed by the petitioner dated 11.06.2015 .

3 . It is the contention of the petitioner that the land in question has been purchased by the petitioner through a registered sale deed dated July 25, 1997, measuring 18 (eighteen) decimal places in Thana No. 118 Khata No. 17 part plot No. 8 in Mauza Ramachak in the district of Patna, and in that year, the petitioner's land was acquired by the government without notice and payment of compensation to the petitioner. It is next submitted that accordingly, he filed a representation before the District Land Acquisition Officer Patna on June 11, 2015, but till date, no compensation has been paid to the petitioner.

3 . However, learned counsel for the State raises preliminary objection to the effect that the petitioner has got statutory alternative remedy to file an application before the L.A.R.A., Patna, under ***Section***



64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which is read as:

Section 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 Collectors 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 Collectors 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.

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

5 . In that view of the matter, this writ application is disposed of with liberty to the petitioner to move before L.A.R.A., Patna, under *Section 64* of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*.

6. In the event the petitioner files his



representation/application before L.A.R.A., Patna, along with a copy of this order, within a period of six weeks from today, the same shall be disposed of, in accordance with law, after hearing the parties, preferably within a period of six months thereafter.

7. 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.

8. With aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

