

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9706 of 2016

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Braj Bhushan Prasad Sinha Son of Late Suba Singh resident of Village -
Budhuchak, P.S. - Fatuha, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Collector-cum-District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Fatuha, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, S.C.-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-02-2024 Heard Mr. Kumar Kaushik, learned Counsel for the

petitioner and Mr. Sunil Kumar Mandal, learned S.C.-3

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

*(i) for issuance of order, direction or writ
of mandamus or any other appropriate writ for
directing the respondent authorities to make the
payment of deficit amount of compensation as well
as for payments of solatium amount to the
petitioner for land acquired by the Government for
the purpose of construction of road at NH-30
(Patna Bakhtiarpur Block) through L.A. Case*



No.40/11-12;

(ii) for issuance of order, direction or writ of mandamus or any other appropriate writ for directing the respondent authorities to pay the adequate compensation to the petitioner for acquisition of their 22 Kathas of land situated in Mauza- Warishpur, Thana No.24, Khata No. 28, Khesra No. 2085 in terms of the market rate.

3. A counter affidavit on behalf of the respondent nos. 2 to 4 has been filed duly signed by the Additional District Land Acquisition Officer, Patna and Mr. Mandal has taken this Court to paragraph nos. - 7 to 9 which read as follows:-

“7. That it is stated that so far fixation of rate of the acquired land of Mauza-Warishpur, it is submitted that on the basis of average sale deed for three years preceding from the publication of notification or the MVR (Market Value Rate) whichever is higher, is taken into consideration for fixation of rate of the land under acquisition in village- Warishpur as prescribed by the Government of Bihar in letter no.747 dated 17.05.2008 and accordingly, the rate of the acquired land of Mauza- has been fixed @ 29,00,00/- per acre on the basis of MVR (as the average sale deed was only Rs. 24,06,92/- per acre) by the Competent Authority Land Acquisition- cum-District Land



Acquisition Officer, Patna.

8. That it is further relevant to state here that in the light of New Bihar Resettlement & Rehabilitation Policy, 2007, 50% more amount i.e. 14,50,00/- per acre has also been added and thereafter, the land owner who has submitted affidavits within time regarding voluntarily giving of land are entitled for 60% solatium other wise 30% solatium has been added on the rate fixed. The petitioner has not submitted affidavits regarding voluntarily giving of land, and therefore, 30% solatium has been added in the compensation amount. Thereafter, the possession upon the acquired land has been handed over to the requisitioning authority on 21.09.2011.

9. That it is stated that the petitioner submitted his claim for payment of compensation for the land in question i.e. Plot no. 208 area 0.465 acre and accordingly amount of Rs.29,00,82.57 has been paid to the petitioner vide payment order dated 01.11.2012 which includes 50% more amount and 30% solatium.”

4. Further in paragraph-12, the reason for payment of compensation to the petitioner vis-a-vis never has been incorporated which read as follows:-

“12. That the land of the petitioner acquired in L.A. Case No.40/11-12 is valued at Rs.29,00,00/- per acre in MVR and accordingly,



after adding the applicable solatium and interest, the petitioner has been paid compensation amount whereas the land of same Mauza in L.A. Case No.116/13-14 is valued at Rs.25,00,000/- per acre in MVR and the land at Mauza-Raipura in L. A. Case No.83/11-12 is valued at Rs.195,00,00/- per acre and therefore, the petitioner is not entitled for the payment as per valuation made in the other two land acquisition proceeding i.e. L. A. Case No.116/13-14 and 83/11-12.”

5. This counter affidavit was filed on 19.07.2017 after serving copy upon the petitioner’s counsel, there is no rejoinder.

6. At this stage, learned Counsel for the petitioner submits that he may be allowed to prefer application before an appropriate authority.

7. In the Welfare state, a citizen always has the right to move before an appropriate authority if he feels himself/herself aggrieved, no direction can be issued in this regard.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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