

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5295 of 2024

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Jamuna Prasad @ Jamuna Sao Son of Late Bhikhar Sao Resident of Village-
Rafiganj Chowk Bazar, P.S.-Rafiganj District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Executive Engineer, Road Construction Department Aurangabad.
5. The Land Acquisition, Rehabilitation and Resettlement Authority, through Presiding Officer Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Sagar, Advocate
For the Respondent/s : Ms. Archana, AC to AAG11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-06-2024 Heard the parties.

2. *The present petition has been preferred for issuance of appropriate writ/ writs, order/ orders or direction/ directing the respondent no. 3 to pay the compensation amount of acquired land of this petitioner with up-to-date interest on commercial land basis after quashing the order dated 09.01.2024 passed by Respondent No.- 5 in Misc. Case no. 01 of 2024 arising out of L.A. case No.- 01/80-81.*

3. The petitioner has challenged the order dated 09.01.2024 passed by the Land Acquisition, Rehabilitation and Resettlement Authority, Gaya in Miscellaneous Case No.



01/2024 by which the claim of the petitioner for an enhanced compensation has been rejected.

4. Learned State Counsel, at the outset submits that against the said order, the petitioner ought to have moved in Appeal as contained in section 74 of the Land Acquisition, Rehabilitation and Resettlement Authority Act, 2013 (henceforth for short, 'the 2013 Act').

5. Section 74 of 'the 2013 Act' read as follows:

*"74. Appeal to High Court.-(1)
The Requiring Body or any person aggrieved by the Award passed by an Authority under Section 69 may file an appeal to the High Court within sixty days from the date of Award;*

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period allow it to be filed within a further period not exceeding sixty days.

(2) उपधारा (1) के अधीन निर्दिष्ट प्रत्येक अपील की सुनवाई यथासाध्य शीघ्रता से की जाएगी और उस अपील का निपटारा उस तारीख से, जिसको अपील उच्च न्यायालय को प्रस्तुत की जाती है, छह मास के भीतर करने का प्रयास किया जाएगा।

स्पष्टीकरण-इस धारा के प्रयोजनों के



लिए, "उच्च न्यायालय" से वह उच्च न्यायालय अभिप्रेत है, जिसकी अधिकारिता के भीतर अर्जित की गई या अर्जित किए जाने के लिए प्रस्थापित भूमि स्थित है।"

6. In that background, learned counsel for the petitioner submits that he shall be preferring an appeal as per section 74 of 'the 2013 Act'.

7. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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