

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7014 of 2023

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1. Seraj @ Md. Serajuddin Son of Jahiruddin, Resident of Village Kakodva, P.S. Araria, District- Araria.
 2. Najim Alam @ Md. Nazim Alam Son of Serajuddin, Resident of Village Kakodva, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Commissioner, Purnea Division, Purnea.
3. Collector, Purnea.
4. District Land Acquisition Officer, Araria.
5. Circle Officer, Araria.
6. Md. Nisimuddin Son of Basiruddin Resident of Village Kakorwa, P.S. Araria, District Araria.
7. Mahendra Paswan Son of Late Ram Khelawan Paswan, Resident of Village Hridaypur Ithara, P.S. Araria, District Araria at Present residing at Chauhan Tola, Khibagh, P.S. Sadar, District Purnea.
8. Most Savitri Devi Wife of Late Parmanand Paswan, Resident of Village Hridaypur Ithara, P.S. Araria, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-01-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for quashing order dated 14.12.2022/ 30.12.2022 passed by the District Land Acquisition Officer, Araria (Respondent No. 4) and order dated 19.01.2023 passed by the Respondent No. 4 whereby claim of the petitioners was rejected and compensation was granted to the respondent Nos. 6 to 8 regarding the land of Khesra No. 744, 748 Rakva 0.09.300 Decimal Khesra No. 743, 744, 745 Rakva 20.200 Decimal and Khesra No. 744, 745, Rakva 12.950



Decimal which was acquired by the Government for construction of rail line in Araria Circle.

3. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioner has got alternative remedy by way of filing an application before the Collector in terms of **Section 64 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**, which is as follows:-

“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.”



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

5. In the facts and circumstances of the case, this writ petition is disposed of with liberty to the petitioners to file a representation before the District Magistrate-cum-Collector, Purnea (Respondent No. 3), along with all the relevant documents in support of the claim within a period of six weeks from today.

6. If such representation is filed before respondent No. 3 within the stipulated time period, the same shall be disposed of in accordance with law after hearing the parties, preferably, within a period of one year from the date of filing of the representation.

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 petitioners were pursuing the issue before this Court.

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

(Prabhat Kumar Singh, J)

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