

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15220 of 2015

Abdhesh Kumar Singh Son of Arjun Prasad Singh, Resident of Village -
Khaira Bishunpur, P.O. - Khaira, P.S. - Surajgarha, District - Lakhisarai.

... .. Petitioner

Versus

1. The State Of Bihar and Ors
2. The General Manager, N.T.P.C. Lok Nayak Jai Prakash Bhawan, Patna.
3. The Collector, Lakhisarai.
4. The Land Acquisition Officer, Lakhisarai.
5. The Circle Officer, Surajgarha, Lakhisarai.
6. The Sub Divisional Officer, Lakhisarai.
7. The Assistant Revenue Commissioner, Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Respondent/s : Mr.Ga13- Smt. Namrata Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 6 04-01-2024 Heard learned counsel for the petitioner and the State.
- 2.Writ petition has been filed for quashing order dated 27.7.2015, passed by Land Acquisition Officer, Laskhisarai in Land Acquisition Misc.Case No. 38 of 2014-15 by which claim of the petitioner for paying compensation of the land on commercial value has been rejected.
3. 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.3) 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, writ petition is disposed of with a direction to the petitioner to file a representation before the District Magistrate, Lakhisarai (respondent no.3) along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such representation is filed by the petitioner, respondent no. 3 shall examine the claim of the petitioner and pass a reasoned and speaking order in accordance with law after hearing the parties 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.

(Prabhat Kumar Singh, J)

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