

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7938 of 2023

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Sakaldev Ray Son of Late Bigu Ray, resident of village - Panapur Khurd, P.O.
- Bishundalpur, P.S. - Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District - Muzaffarpur.
4. The Land Acquisition Officer, Muzaffarpur, District - Muzaffarpur.
5. The Circle Officer, Kanti, District- Muzaffarpur.
6. The Chairman, Bihar State Pul Nirman Nigam, Patna.
7. The Managing Director, Bihar State Pul Nirman Nigam, Patna.
8. The Senior Project Engineer, Bihar State Pul Nirman Nigam Works Division, Muzaffarpur, I.G. Colony, Bhagwanpur, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Manoj Kumar Sinha, A.C. to S.C.-19
For the Pul Nirman Nigam	:	Mr. Vikas Kumar, Advocate
		Ms. Anjali Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 12-02-2024

Heard Mr. Shashi Bhushan Singh, learned

Counsel for the petitioner and Mr. Vikas Kumar, learned Counsel
appearing for the Bihar State Bridge Construction Corporation.

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

*(i) for issuance of an appropriate
writ in the nature of MANDAMUS, commanding and
directing the respondent authorities to make payment
the compensation of land bearing Mauza- Bairia,
Thana No. 395, Khata No. 276 (k) Plot No. 1091,
Area 0.10 decimal which is Khatiyani land of the*



petitioner recorded in the name of uncle of the petitioner namely Late Ram Briksh Ray son of Late Dwarika Ray, moreover the petitioner has been given 0.5 decimal land through a judgment dated 18.4.2011 passed in Partition Suit No. 448/2004 and appeal against said judgment has already been dismissed on 29.06.2018 bearing partition Appeal No. 54/2011;

(ii) for a direction to the respondents to make payment of the compensation with penal interest as due to oblique motive of the respondents, the petitioner moving for justice for a long time.

3. Learned Counsel for the petitioner submits that though the part of the land belongs to him and he also has title in his favour, his claim for compensation for the acquisition of his land has not been paid and as such he is entitled to half of the compensation.

4. Learned State Counsel has taken this Court to the counter affidavit filed on behalf of the respondent nos. 3 to 5 with specific reference to letter no. 542 dated 20.05.2019 issued by the Bihar State Bridge Construction Department, Work Division, Muzaffarpur to show that in absence of Land Possession Certificate issued by the concerned Circle Officer, his case was not



considered.

5. Learned State Counsel as such submits that the claim of the petitioner has not been rejected, only he has to submit necessary document for grant of compensation. Learned State Counsel has taken this Court to paragraph 5 of the counter affidavit to show that under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with Rule-35 of Bihar Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014, the Land Acquisition Rehabilitation and Resettlement Authority have been constituted under Rule 35 at each and every headquarter in the State of Bihar. As such, if the petitioner has any grievance, he can make proper application before the said authority for the settlement of his grievance.

6. So far as the maintenance of the writ petition is concerned, the counter affidavit states that in view of the said clear alternate remedy, no relief can be granted herein.

7. Learned Counsel for the petitioner in that background submits that he will be approaching the concerned authority within four weeks from today so that relief is granted to him. The respondents have no objection to it.

8. If the petitioner appears before the concerned



authority within a period of four weeks from today with all the relevant documents, it shall be duty of the authority to take the matter to its logical conclusion after hearing all the concerned parties as early as possible preferably within a period of six months from today taking into account the fact that the matter relates to the year 2015-16.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.02.2024
Transmission Date	

