

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8799 of 2023

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Malti Devi Wife of Late Shivnandan Prasad Resident of village - Kapatiya
(Surajpur), P.S. - Nalanda, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Development of Revenue, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-Collector, Nalanda at Bihar Sharif.
5. The District Land Acquisition Officer, Nalanda at Bihar Sharif.
6. Additional District Magistrate, Nalanda at Bihar Sharif.
7. The Block Development Officer, Silaw Block District Nalanda at Bihar Sharif.
8. The Circle Officer, Silaw, District Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc 25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-01-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner by way of this writ petition seeks enhancement of compensation on the ground that the compensation should have been fixed treating the land of the petitioner as residential.

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 petitioner 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 a direction to the petitioner to file a representation before the District Magistrate-cum-Collector, Nalanda at Bihar Sharif (Respondent No. 4), along with all the



relevant documents in support of the claim.

6. If such representation is filed before respondent No. 4, the same shall be disposed of in accordance with law after hearing the parties, preferably, within a period of six months 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 petitioner was pursuing the issue before this Court.

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

(Prabhat Kumar Singh, J)

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