

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13567 of 2019

1. Bhuneshwar Singh @ Bhuna Singh, Son of Hari Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
2. Dinesh Prasad, Son of Sadhu Sharan Prasad, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
3. Gopal Prasad Singh, Son of Devnandan Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
4. Pashupati Singh, Son of Devnandan Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
5. Bhola Singh, Son of Lakhan Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
6. Sidheshwar Mahto, Son of Ramdhani Mahto, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
7. Mani Singh, Son of Late Kameshwar Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
8. Ravi Shankar Kumar, Son of late Ramashray Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
9. Shrikant Singh, Son of late Tanik Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
10. Rajkumar Singh, Son of late Tanik Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
11. Bimal Singh, Son of late Kmeshwar Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
12. Pawan Kumar Jha, Son of late Aditya Narayan Jha, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
13. Raj Kumar Singh, Son of late Chandrika Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
14. Brajnandan Prasad Singh @ Brijkishore Prasad Singh, Son of late Kailash Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
15. Suresh Prasad @ Suresh Singh, son of late Shivbalak Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
16. Arjun Prasad Singh, Son of late Baleshwar Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
17. Maheshwar Singh, Son of Jago Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
18. Ravindra Kumar, Son of late Bhagirath Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
19. Siya Ram Singh, Son of late Rajendra Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.
20. Ramashray Singh, Son of late Aalo Singh, Resident of Village- Sherpar, P.S. Barbigaha, District- Sheikhpura.



21. Most. Shanti Devi, W/o late Vishnu Devi Mahato, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
22. Kaushal Kishor Singh, Son of late Harinandan Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
23. Anirudh Singh, Son of late Yamuna Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
24. Nepali Singh, Son of late Badi Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
25. Ramanuj Singh, Son of late Tanik Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
26. Ramanand Singh, Son of late Tanik Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
27. Arjun Singh, Son of Ramchandra Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
28. Shankar Kumar, Son of late Ramakant Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
29. Mahesh Singh, Son of late Sahdev Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
30. Vijay Kumar Sinha, Son of late Janardan Prasad, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
31. Hira Singh, Son of Sajjan Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
32. Srimati Devi, W/o late Sajjan Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
33. Manoj Singh, Son of late Ramjanam Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
34. Shashi Ranjan Kumar, Son of late Naresh Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
35. Hirdev Narayan Singh, Son of late Lakhmi Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
36. Manoj Chaudhary, Son of late Jageshwar Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
37. Dilip Kumar Chuadhary, Son of late Jageshwar Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
38. Yugal Kishor Chaudhary, Son of late Jethan Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
39. Rajiya Devi, W/o late Krishna Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
40. Mos. Janki Devi, W/o late Jageshwar Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
41. Most. Sudama Devi, W/o late Ramjanam Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
42. Sudhir Kumar, Son of late Arjun Bhadani, Resident of Village- Shamachak,



P.S. Barbigha, District- Sheikhpura.

43. Ganesh Singh, Son of late Tanik Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
44. Ramashish Singh, Son of late Upendra Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
45. Arun Singh, Son of late Gorelal Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
46. Bihari Singh @ Bindeshwari Singh, Son of late Jato Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
47. Sachidanand Singh, Son of late Yamuna Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
48. Rampravesh Singh, Son of late Ramkhelawan Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
49. Jago Chaudhary, Son of late Budhan Chaudhary, Resident of Village- Madarichak, P.S. Barbigha, District- Sheikhpura.
50. Awdhesh Singh, Son of Rambalak Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
51. Nand Kishor Prasad Singh, Son of late Kapil Dev Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
52. Suryadev Singh, Son of late Laxmi Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
53. Pappu Singh, Son of late Sadan Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
54. Navin Singh, Son of late Rampravesh Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
55. Brijnandan Singh, Son of late Badi Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
56. Prashuram Singh, Son of late Nawal Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.
57. Usha Devi, W/o Shri Ashok Singh, Resident of Village- Sherpar, P.S. Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Sheikhpura.
3. The Additional Collector, Sheikhpura.
4. The District Land Acquisition Officer, Sheikhpura.
5. The Circle Officer, Barbigha, Sheikhpura
6. The Union of India through the General Manager, East- Central, Railway, Danapur.
7. The Divisional Railway Manager, East Central Railway.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
Mr. Himanshu Kumar Akela, Advocate
For the Respondent/s : Md. Ebadur Rahman Shakib, AC to AAG-12
Ms. Kanak Verma, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT****Date : 05-09-2024**

Heard Mr. Kumar Kaushik, learned Advocate for the petitioners and Mr. Ebadur Rahman, learned Advocate for the State.

2. The petitioners, who are 57 in numbers have preferred the present writ petition under Article 226 of the Constitution of India seeking a direction upon the respondent authorities to ensure payment of award in relation to acquisition of their landed property situated at Mauza Barbigaha, Pargana Maldah, Thana No. 36, District Sheikhpura for construction of Daniyama-Barbigaha- Sheikhpura Railway Line after revising it in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act, 2013'). The petitioners further seek a direction to the respondent authorities to prepare the award by treating the reference date for determination of market value of the landed property as on 01.01.2014, instead of the year 2007 in view of the provisions as



contained in Section 24(1)(a) of the Act, 2013 as well as the decision of the Central Government, as contained in letter/communication dated 26.10.2015.

3. Learned Advocate for the petitioners adverting to the facts of the case straightway drew the attention of this Court to the order passed by the learned Co-ordinate Bench of this Court in the case of Ranjit Kuamr and Others Vs. The State of Bihar (CWJC No. 3860 of 2015), the copy of which is marked as Annexure-P/6 and vigorously contended that the issue raised before this Court has already set at rest by holding as follows:

*“39. In all fairness, I should record the submission made by Mr. Kaushik that sub-Section (2) of Section 113 of the L.A. Act 2013, requires only orders to be placed before the Parliament and communication, dated 26.10.2015, being in the nature of direction, the same is not required to be placed in the Parliament, which aspect has been dealt with by the Division Bench of Allahabad High Court, in case of **Ishan International Educational Society** (supra), which has been upheld by a three-Judge Bench of the Supreme Court in the order dated 19.07.2017, in case of **Ghaziabad Development Authority Vs. Ishan International Educational Society and Ors.** (supra). In the said order dated 19.07.2017, the Supreme Court did not find any ‘legal and valid ground for interference’. This Court is, therefore, required to follow what has been laid down by a*



*Division Bench of Allahabad High Court in case of **Ishan International Educational Society** (supra). Mr. Kaushik is correct in his submission that the requirement of laying before the Parliament of an order under Section 113(2) of the L.A. Act, 2013, is directory in nature since the requirement is of simply laying before the Parliament. Such order cannot be said to be under the purview of modification by the Parliament and requirement for laying before the Parliament is for the simple purpose of ensuring accountability of the executive Government to the Legislature. “Where any document, rule or notification requires placement before any House or when placed, the said House, subject to its procedure, gets the right to discuss the same, they may put questions to the Ministry concerned”, the Supreme Court has remarked in case of **Quarry Owners’ Association** (supra) (Paragraph 48). For the said limited purpose, an order is to be placed before the Parliament as contemplated under sub-Section (2) of Section 113 of the L.A. Act, 2013.*

40. I have, thus, no hesitation in concluding, in view of the aforesaid discussions that: -

(i) in a case where the land acquisition proceedings had commenced under the provisions of L.A. Act, 1894, but award was not made prior to 01.01.2014, under Section 11 of the said Act, all provisions of the L.A. Act, 2013 shall apply for determination of the amount of compensation and the date of determination of market value of the land should be treated as 01.01.2014 in the light of the



decision of the Central Government as contained in letter/communication dated 26.10.2015 (supra).

(ii) requirement of laying any order before the Parliament under sub-Section (2) of Section 113 of the L.A. Act, 2013, is directory in nature for default of which the order passed under Section 113 of the L.A. Act, 2013, cannot be said to be inoperative or invalid.”

4. It is further contended that similar issue has also been brought before this Court in other writ petitions bearing CWJC No. 12425 of 2019, CWJC No. 12795 of 2019 and CWJC No. 21796 of 2019. The learned Court having taken note of the settled position, as has been referred hereinabove, the writ petitions have been disposed of with a direction to the petitioners to approach before the authority under Section 64 of the Land Acquisition Act, 2013 within a certain stipulated period for determination of amount of compensation. The court made it clear that the respondent authorities shall not raise any question of delay in approaching the Collector under Section 64 of the Land Acquisition act, 2013 in entertaining their applications.

5. A counter affidavit has been filed on behalf of respondent nos. 2 to 5, however, it has not been denied that the case of the petitioners are not identical to those whose cases have finally been disposed of with liberty to approach before the



competent authority under Section 64 of the Land Acquisition Act, 2013.

6. Having considered the submissions advanced and the fact that the issue has already been set at rest, this Court is of the opinion to dispose of the writ petition directing the petitioners to approach before the authority under the Land Acquisition Act, 2013 within six weeks from today for determination of compensation, as has been mentioned in para 44 of C.W.J.C. No. 3860 of 2015, which is quoted hereinbelow:

“44. It is directed that if the petitioners approach the authority under Section 64 of the L.A. Act, 2013, within six weeks from today for determination of the amount of compensation under Section 64 of the L.A. Act, 2013, no question of delay in approaching the Collector under Section 64 of the L.A. Act, 2013, should be raised in entertaining their applications. They will be entitled to determination of amount of compensation accordingly in terms of the present judgment and order.”

7. Suffice it to say that in case, the petitioners approach before the authority concerned, as noted hereinabove, the competent authority shall decide the matter in accordance with law within a period of four months from the date of filing of the applications by the petitioners.



8. The writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2024
Transmission Date	NA

