

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11370 of 2023

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Vijay Kumar Pandey Son of Late Mukteshwar Nath Pandey R/o- Vill. and
P.O.- Chausa, P.S.- Buxar (M), District- Buxar. Petitioner/s
Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
 2. The State of Bihar, through the Principal Secretary, Revenue and Reforms Department, Patna, Bihar.
 3. The Collector-cum- District Magistrate, Buxar.
 4. The District Land Acquisition Officer, Buxar.
 5. The Sub- Divisional Officer, Buxar.
 6. The Circle Officer, Chausa, Buxar.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2024 Heard the parties.

2. The present writ application has been filed for the following relief(s):-

(i) For issuance of direction and commanding the respondents authority to pay the amount of compensation to the petitioner, as per the provision of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter to the referred as 'the Act') and since, the notification for acquisition has been issued in the year 2021, hence, according to market rate as in the year 2021, by the treating the land of the petitioner is commercial in nature.

(ii) For issuance of any other writ/writs, order/orders, direction/directions for which

the petitioner found entitled to.

3. The petitioner claims to be the owner/holder of the lands pertaining to plot no. 22 & 28, Khata No. 12, total Rakawa about 1.830 Acre (1.345+0.489) Mauza Khemrajpur and Land Possession Certificate has been issued in his favour and accordingly paying the rent till date.

4. Learned counsel for the petitioner further submits that though his cousin brother Arun Kumar Pandey has been extended the benefits, he is still waiting to have the fruits.

5. Learned counsel for the State on the other hand with the help of counter-affidavit filed on behalf of the respondent no. 3 to 6 submits that petitioner chose to slept over the matter and wanted the authorities to act, in fact, despite the petitioner not taking any step, they have already acted. He has drawn the attention of this Court to the paragraphs 4 and 5 of the counter-affidavit which read as follows:-

(4) That it is being humbly submitted that half share of the cousin brother compensation has been made by the LARRA Court in the said plots. LARRA Court vide under authority case no. 17/13/A(13)23(B) and case no. 17/13/A(10)23(B) has granted compensation payment to cousin brother Arun Kumar Pandey for Rs. 1436391.00/- Cheque No. 486272 dated 17.07.2023 and

*Rs. 1695920.00/- Cheque No. 486271
dated 17.07.2023 through RTGS.*

*(5) That the land acquisition case for the
proposed Khesra no. 22 & 28 has been
already transferred to LARRA, Patna vide
office Letter No. 112 dated 30.01.2023.*

6. It is surprising that despite the case relating to the petitioner has been transferred more than a year ago, instead of approaching the appropriate authority, so that the matter is taken to logical conclusion, petitioner chose to move before this Court in the garb of an observation made by the Co-ordinate Bench of this Court in C.W.J.C. No. 652 of 2023.

7. This Court is in agreement with the learned counsel appearing on behalf of the State that the said contention is fit to be rejected, when the petitioner has chosen not to move before ‘the LARRA’ with proper document to show his bonafide.

8. Accordingly, the present writ application stands disposed of as it is for the petitioner to decide, whether he want to approach the authority/LARRA, when a specific case of the State is that, already on 30.01.2023, matter relating to his land has been transferred to the said Authority.

(Rajiv Roy, J)

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