

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.37 of 2023

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Anil Kumar Srivastava S/o Late Devnath Prasad, R/o Mouza- Parmananpur, Pragana- Kasmar, Police Station- Sonapur District- Saran, Presently residing at House No. 18, N.H.P.C.E.H.A.S., Jai Shakti Vihar, Pocket-P4, Builder Area, Greater Noida-201310.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Revenue Patna, Bihar.
2. District Magistrate, Saran, Chapra.
3. Additional District Magistrate, Saran, Chapra.
4. Land Reform Deputy Collector, Saran, Chapra.
5. The District Land Acquisition Officer, Saran, Chapra.
6. Sunil Kumar Srivastava S/o Late Bhabnath Prasad Srivastava, Permanent Resident of Village/Mouza- Parmananpur, Pragana- Kasmar, Police Station- Sonapur District- Saran, Presently Residing at 25/2 Babu Purba Colony, Kedbai Nagar, Kanpur, Pin- 208023 State - U.P.
7. Shivnath Prasad S/o Baijnath Prasad Permanent Resident of Village/Mouza- Parmananpur, Pragana- Kasmar, Police Station- Sonapur District- Saran, Presently residing at Main Road No. 20, Flat No. 39, Sri Krishna Nagar, P.O.- G.P.O., P.S.- Budha Colony, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh
For the Respondent/s	:	Mr. Manoj Kr. Sinha, (AC to SC 19)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-06-2024 Heard the parties.

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

*(i) For issuance of writ or writs in the
nature of certiorari quashing the Bihar
Gazette vide memo no- 268 dated 04-02-
2020 and letter no 224, dated 24-02-2020,
issued Under the signature of District Land*

Acquisition Officer, Saran, Chhapra to acquire the land at Mauza Parmananpur, Pragana-Kasmar, Police Station Sonapur, District -Saran bearing survey plot no-36 & 37 appertaining to Khata No. 537, Survey Plot 38 appertaining to Khata No. 560 & Survey Plot 39 appertaining to Khata No. 462 which has been issued for construction of Kalughat Intermodal Terminal in which the payment was made to the Petitioner on meager amount fixed by the state of Bihar and as such it is against the well settle principal of law and thus fit to be set aside.

(ii) Further a writ of mandamus be issued after quashing the Award No- 10 to make payment according to Gazette from Do Fasla to Dih, at present residential as the nature of land has wrongly been made by land acquisition officer who has fixed the value of land which has been acquired after demolishing the house.

(iii) Further a writ of Mandamus be issued for directing the Respondent Authorities either to follow Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short RFCTLARR Act, 2013), so that the petitioner may get their compensation in time whose lands were acquired under the

scheme of Kalughat Intermodal Terminal.

3. A counter affidavit on behalf of the respondent nos. 2, 3 and 5 is on record, according to which the petitioner has received the compensation as per the award and further, if still he has grievance can move before the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'LARRA') under Section 64 of the Act of 2013.

4. Learned counsel for the petitioner submits that to his knowledge/instruction on his objection, the matter has already traveled to the competent authority.

5. In that background, it would be appropriate that the petitioner pursue his remedy before the LARRA . It is further expected that the authority shall take the matter to its logical conclusion at an earliest.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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