

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17669 of 2018

1. Sanjay Kumar and Ors
2. Kumar Uday Narayan.
3. Ashok Kumar, All are Sons of late Dudheshwar Singh, resident of Village-Tarari, P.S.- Daud Nagar and District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, RCD Govt. of Bihar, Patna.
3. The Managing Director, Bihar Rajya Pul Nirman Nigam Limited, Bihar Patna.
4. The District Magistrate, Aurangabad.
5. The Additional Collector, Aurangabad.
6. The Sub Divisional Magistrate, Daudnagar, Aurangabad.
7. The Deputy Collector Land Reform, Daudnagar, Aurangabad.
8. The Sub Registrar, Office of the Registry, Sub Division Daudnagar, Aurangabad.
9. The Circle officer, Circle Daudnagar, Aurangabad.
10. The Then Anchal Amin On Deputation, Circle Haspura, Aurangabad.
11. The Senior Project Engineer, Division, Gaya BRPNNL Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.
For the State : Mr. Sajid Salim Khan- SC-25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-03-2025 Learned Counsel for the petitioners, Learned Counsel for the State are present.

2. The present Writ Petition has been filed for setting aside the notice bearing Nos. 743, 744 and 745 dated 13.06.2018, served upon the petitioners, by which the respondent authorities have demanded and directed the petitioners to return the excess payment made in comparison to the nature of the acquired land



under the perceptual lease policy under the Bihar Lease Policy, 2014.

3. Learned counsel for the petitioners submits that, vide notification No. BRPNNL/1333 dated 20.11.2015, a publication was made in the local newspaper, according to which the State of Bihar intended to acquire the land in question from the owners under the Bihar Land Lease Policy, 2014. After due process of law, the Bihar Land Lease Policy, 2014 was adopted with the consent of the majority of the affected people of the area through the 'Aam Sabha' of the village. Counsel for petitioners further submits that the land acquisition was made for the State Highway. The government fixed the amount and paid the compensation to the petitioner and others. The petitioners accepted the said amount in 2016, but subsequently, in 2018, a demand was made to refund the excess payment made to the petitioners on the ground that a Six-member Committee, after due classification of the land, found that the calculation was erroneous. Therefore, the petitioners are directed to deposit the excess amount in the respondents' account. Further, it is submitted that according to Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the LARA 2013'), a limitation is fixed such that any correction may be made



within six months, but after the lapse of two years, no such correction can be made according to law.

4. Learned counsel for the State, on the other hand, submits that while it is true that the lease was prepared and payment was made to the petitioners, the State later discovered a miscalculation. Therefore, the excess amount was paid, and the issuance of the notice in this context is in accordance with the law, and the petitioners should refund the amount.

5. After hearing the parties, it transpires to this Court that the admitted position is that the land was acquired for the purpose of constructing the State Highway and the acquisition of land was made under the policy which was framed under LARA 2013 (30 of 2013). The said lease policy mentions that only clerical and mathematical errors can be rectified within six months. However, in the present case, it is not a clerical or mathematical error, as the authority, at the time of fixing compensation, initially observed that the land of the petitioners were residential in nature. But after the payment of compensation, preparation of the lease, it has been found that the land is agricultural in nature. Moreover, after a lapse of about two years from the date of the fixation of the compensation amount, the respondent authorities identified the land as agricultural in nature. Based on this, a lesser amount of



compensation was recalculated.

6. As such, this Court is of the view that the District Administration, in its earlier report dated 20.06.2016, fixed the compensation amount and then framed a Six-member Committee under the Chairmanship of the District Magistrate to re-determine the compensation. The Court finds that such arbitrary action by the District Magistrate cannot be permitted in law, as this decision directly affects the petitioners. Moreover, it has not been mentioned under which provision of law such action was taken, nor were the petitioners given prior notice or information before taking such action. Hence, the decision was taken under an unknown provision of law and constitutes a gross violation of natural justice.

7. For the reasons mentioned above, the Court finds merit in the petitioners' argument, and thus the notice dated 13.06.2018, bearing Nos. 743, 744 and 745, is hereby set aside.

8. Accordingly, with this direction, the Writ Petition allowed.

(Dr. Anshuman, J.)

Aman Kumar/-

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