

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13894 of 2017**

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1. Md. Moinuddin @ Dukho Mian and Anr Son of late Salimuddin
  2. Bibi Mustri Begum Wife of late Salimuddin Resident of Village- Madhuban,  
Post Office- Khamhauti, Police Station- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of  
Bihar, Patna.
3. The Director, Land Acquisition, Bihar, Patna.
4. The Collector, Saharsa.
5. The District Land Acquisition Officer, Saharsa.
6. The Circle Officer, Simri Bakhtiyarpur Block, District- Saharsa.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Syed Masleh-Uddin Ashraf, Sr. Adv.<br>Mrs. Rana Hasan, Adv.<br>Mrs. Homa Yunus, Adv. |
| For the Respondent/s | : | Mrs. Nutan Sahay- Aag12                                                                  |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      29-04-2025                      Heard Mr. S.M. Ashraf, learned Senior Counsel for  
  
the petitioner duly assisted by Mrs. Homa Yunus and Mrs.  
  
Nutan Sahay representing the State.

2. The present application has been filed:

*for the issuance of a writ in the  
nature of mandamus to pay compensation to  
the petitioners in accordance with the rate to  
be determined under the provisions of the  
Right to Fair Compensation and  
Transparency in Land Acquisition,  
Rehabilitation and Resettlement Act, 2013*



*(hereinafter be called, 'the new Act') and not  
in terms of the Land Acquisition Act, 1894  
(hereinafter to be called, 'the old Act').*

3. The State Counsel has taken this Court to the counter affidavit to show that the petitioner has received 100 percent compensation amount and as such, the matter cannot be reopened.

4. The counter affidavit was filed earlier and there was no reply to it.

5. Mr. Ashraf, learned Senior Counsel submits that he may be allowed to approach the competent Civil Court as the stand of the petitioner(s) is/are that they have not been suitably compensated.

6. Said liberty is always there to the petitioners. If they approach the Competent Civil Court, the Court concerned shall take into account the fact that the writ petition was pending since the year 2017 while dealing with the limitation petition.

7. The writ petition stands disposed of.

**(Rajiv Roy, J)**

Vijay Singh/-

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