

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10594 of 2016

Ashutosh Kumar Trivedi son of late Brahma Nand Trivedi resident of Village-
Chetharia Pir, P.S. Korha, District - Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Land Acquisition, Directorate Bihar, Patna.
3. The Collector, Katihar
4. The Additional Collector, Katihar
5. The District Land Acquisition officer, Katihar
6. The Divisional Forest Officer, Forest Division, Purnea
7. The Union of India through the Commandant, Indo Tibet Border Police
I.T.B.P. , 48 Bt. Chetharia P

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Aditya Nath Pandey, Advocate Mr. Yeshoneel Rantam, Advocate Mrs. Neha Kumari, Advocate
For the UOI	:	Mr. Avadesh Pandey, Sr. CGC Mrs. Punam Kumari Singh, CGC Mr. Vaibhav Kumar Jha, Advocate
For the State	:	Mr. Kumar Alok, SC-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-09-2025 Heard Mr. Aditya Nath Pandey, learned counsel for the
petitioner and Mr. Kumar Alok, learned SC-7.

2. The present petition has been preferred for the
following relief(s):

*“(i) Respondents may be directed to
calculate/recalculate the compensation of land under
acquisition for construction of Head Quarter of 48th
Bt. of I.T.B.P. at Chetharia Pir, P.S.- Korha, District
- Katihar in terms of Section 26 read with Section
24(1) of the new Act, i.e. The Right to Fair
Compensation and Transparency in Land*



Acquisition, Rehabilitation and Resettlement Act 2013 and pay the same to the petitioner as till date neither any award has been prepared to the notice of petitioner nor a single farthing has been paid as land compensation.

(ii) And/or the matter may be referred to the authority under the Act for determination of land compensation under Section 64 read with Section 26 of the New Act in view of various objections raised by the petitioner regarding lesser valuation, incorrect/lesser measurement of land as well as trees standing there on and also regarding lesser counting of number of trees.”

3. Pursuant to the last order, the District Land Acquisition Officer, Katihar, Mr. Ajmal Khurshid is present in the Court. Though a proper counter-affidavit has not been filed, learned SC-7 on the basis of the discussion he had with the said officer has submitted before this Court that the family/agnates are having dispute relating to the land in question which has delayed the payment to them.

4. Upon query, learned counsel for the petitioner accepts that they have preferred a Suit No. 70 of 2005 (Most. Bageshwari Devi & Ors. vs. Most. Janki Devi & Ors.) with respect to the land



before the competent Civil Court, Katihar in which the other side has also appeared. The same is pending before the said Court.

5. Learned State counsel submits that they are ready to abide by the final order passed by the Competent Civil Court.

6. This Court is also of the view that when there is dispute between the parties, they have already filed a suit which is presently pending before a competent Court, Katihar, the decision of the same will follow the flow of compensation amount to the land holder.

7. Since the matter relates to payment of compensation, it is expected that the Suit No. 70 of 2005 (Most. Bageshwari Devi & Ors. vs. Most. Janki Devi & Ors.) shall be taken to its logical conclusion at an earliest.

8. With the aforesaid observation the writ petition stands disposed of.

9. The personal appearance of District Land Acquisition Officer, Katihar stands dispensed with.

(Rajiv Roy, J)

Adnan/-

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