

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19259 of 2016

Reshma Devi W/o Late Bihari Lal Mandal, resident of Village- Magurjan,
P.S.- Barhara Kothi, Distt- Purnea, Presently residing at Quarter No.-14, Civil
Court Campus, Maranga Road, P.S. and Distt- Purnea Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Bihar, Irrigation Bhawan, Patna.
4. The Collector of the District DM, Purnea.
5. The Special Land Acquisition Officer, Kosi Project, Saharsa.
6. The Special Land Acquisition Officer, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Nath Jha
For the Respondent/s : Mr.Md.Khurshid Alam-Aag12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2025 Heard the parties.

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

*(i) for issuance of appropriate
writ/order/direction in the nature of
mandamus/certiorari against the
respondents for;*

(ii) directing the Respondent-authorities to



pay the amount of interest over the total amount of compensation Rs.6,85,125 (Six Lakhs eighty five thousand, one hundred twenty five) which had been paid to the petitioner vide Annx-2, and thus the existing Market rate has been denied to the petitioner;

(iii) directing the respondents-authorities either to pay themselves all the due amount of interest /solatium and other dues amounts from the day of acquisition/taking possession to the petitioner or they may refer the whole matter/case before the Land Acquisition judge, as has been prayed by the petitioner U/S 18 of the L.A. Act, 1894 vide Annx-4 hereto;

(iv) directing the respondents-authorities to allow all the prayers made by the petitioner vide Annx-4 hereto and grant all the reliefs sought for by the petitioner therein;



(v) directing the respondents-authorities to pay the amount of compensation to the petitioner as per the current Registration rate chart, fixed by the Govt. for the year 2013-14, though the petitioner has been paid the amount of compensation as per the very old rate meant for the agricultural land;

(vi) directing the respondents-authorities to pay the amount of compensation to the petitioner by treating the lands in question as residential in nature, and/or pay at the rate which has been paid to the other land owners;

(vii) directing the respondents-authorities to pay compensation to the petitioner as per the new Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred to as the New Act 2013) which entitles the amount of compensation four times to the Government fixed price;



(vii) directing the respondents-authorities to treat the acquired plots in question as residential and to pay the amount of compensation as per the updated residential rate and the Market rate already fixed by the government in view of the said new Act, 2013;

(viii) directing the respondents-authorities to meet all irreparable losses/grievances which have caused to the petitioner due to the delayed payments made to the petitioners vide Annx-2 after about 24 years of acquisition/taking possession, as the acquisition of the lands in question took place in the year 1988-89 itself;

(ix) holding and declaring that the Resp. no.5 had no jurisdiction to reject the reference vide Annx- 5 hereto as prayed for by the petitioner U/S 18 or U/S 30 of the L.A. Act, 1894 vide Annx- 4 hereto;

(x) holding that the petitioner is entitled to the amount of compensation as per the



market rate (laid down under Section 23 of L.A. Act, 1894 & section 26 of New Act, 2013) as well as other amount of Bonus and interest over the total amount.

(xi) granting any other relief/reliefs for which the petitioner may be found entitled to.

3. A counter affidavit has come on behalf of respondent nos. 1 to 5 and paras-4 to 8 read as follows:

4. that it would be relevant to state here that Notification under section 4 of the Land Acquisition Act 1894 was issued for vide District Gazette extra ordinary vide memo no. 405 dated 8.11.2011 for construction of Khutahaniu Dhar Jal Nikash (Sewerage) project for which total 34.15 Acres of land was Acquired which is situated at Nipania, Pargana Dharmapur, District Purnea for public purpose and this regard a declaration was also issued vide memo no. 155



dated 26.3.2012;

5. that it is pertinent to mention here after due process of Land Acquisition Act land in question was acquired and as such notice was issued for just and fair compensation under section land acquisition Act 1894 vide memo no. 9501 dated 18.6.2012 to the petitioner she has received the aforesaid notice on 9.7.2012 but she did not filed any objection under section 5 (A) of the land Acquisition Act with respect to compensation of land in question as such she has accepted the land Acquisition proceeding which acquired for public purpose;

6. that it is humbly stated by the deponent the rate of land with respect to payment of compensation was determined on the basis of criteria laid down by the state government under the land Acquisition Act as such the



value of the land under land Acquisition was determined at Rs. 4,50,000/- per acres. Accordingly, award was prepared on 22.7.2013 vide Award no. 59 area 1.05 acres sum of Rs. 6,85,125/ in the name of petitioner arising out of land Acquisition case no. 3/2011-12 same has been received by the petitioner on 22.7.2013 with protest;

7. that it would be relevant to state here that notice under section 12 (2) of the Act was issued on 27.5.2013 by the respondent no. 5 which was received on 8.6.2013 by the petitioner thereafter petitioner was sent a petition under section 18 of the Act through a registered post which was received office of the deponent on 4.9.2013 and a similar petition was received on 31.8.2013 office of the Collector, Purnea;



8. that the petitioner application under section 18 of the Act was properly examined by the respondent no. 5 and it has been held that her application was time barred under section 18 of the land acquisition Act accordingly her application vide order dated 18.10.2013 which was rejected by speaking and reason order as per law.

4. Further, in para-9, it has been recorded that for the construction of Khutahari Dhar Jal Nikash(Sewerage) Project, most of the land holders voluntarily accepted the compensation amount and few individuals including the petitioner are agitating the matter.

5. This counter affidavit was served upon the petitioner on 07.02.2017 and there is no rebuttal to the said facts recorded in the counter affidavit.

6. Learned counsel for the petitioner submits that he shall be taking steps under section 18 of the Land Acquisition Act, 1894 (henceforth for short 'the Act) for the redressal of the grievance.

7. Section 18 of 'the Act' read as follows:



18. Reference to Court-- (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from



*the date of the Collectors
award, whichever period shall
first expire.*

6. In that background, this Court grants liberty to the petitioner to approach the competent Court under the aforesaid Act. Needless to add, if such petition is preferred within eight weeks from today, the Court concerned shall take into consideration the delay in filing the petition as the writ petition was pending before this Court for nine long years while dealing with the limitation petition.

7. The writ petition is disposed of with the aforesaid.

(Rajiv Roy, J)

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