

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14984 of 2018

1. Veer Narayan Patel
2. Pankaj Patel Both Sons of Late Anantlal Mandal. R/O Village-Bhorhar, Block- Nawabganj, P.S.-Nawabganj, District-Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Bihar, Patna.
4. The Director, Land Acquisition, Bihar, Patna.
5. The Joint Secretary, Department of Home, Bihar, Patna.
6. The Collector, Araria.
7. The land Acquisition Officer, Araria.
8. The Union of India, through the Ministry of Home Affairs, Government of India, through its Secreta
9. The Secretary, Border Management Ministry of Home Affairs, Government of India, North Block, New De

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mallika Mazumdar, Advocate
For the Respondent/s : Mr.Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 17-11-2025 Heard the parties.

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

*(i) to quash memo no. 406 dated 29.7.2017
in which the petitioners land was acquired
and compensation was given to them as per
residential land and now all of a sudden this*



letter (Annexures) has been issued to petitioners that wrong verification of the land has been made so the amount of money paid to them is wrong. And also to quash letter no. 244 dated 17.3.2018 whereby it has been ordered to return the money paid to the petitioner, which has illegal in eye of law.

3. Learned State counsel submits that the matter relates to construction of a road on Indo-Nepal Border under Right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013 (henceforth for short 'the Act'). The submission is that and it was under emergency provision, on the basis of initial assessment, 80% payment were made to the land holders. However, later, the Six Men Committee came to the conclusion that classification of the land has been made in a faulty manner and accordingly, the categories were re-looked. So far as the case of the petitioner is concerned, it came under the agriculture category and naturally, when the excess payments were made and the category changed, notice for refunding the excess amount was made . The submissions is that instead of answering to the notice, the petitioner rushed to the Court.



4. He has taken this Court to an order of coordinate bench in the case of Girish kedia vs. The State of Bihar (C.W.J.C. No. 6863 of 2018 and analogues cases disposed of on 29.11.2024 by a reasoned order. paragraphs no. 46 to 53 which read as follows:

46. There is no dispute that if the Collector comes to the conclusion that the lands, in question, are agricultural, but the compensation has been paid by treating it as residential, in such circumstances, the aggrieved party was supposed to take recourse to the remedy available, as provided under Section 64 of the Act, 2013 by getting the matter referred to the said authority, only if there is an award and parties are aggrieved and not accepted the award.

47. Section 64 contemplates under the Act, 2013 empowering the Collector to refer the dispute to the Authority, if any person interested, who has not accepted the award may by written application require



that the matter be referred for determination of the Authority, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable or the apportionment of de compensation. Section 64 (2) of the Act, 2013 mandates that the application shall state the grounds on which objection to the sward is taken, provided that such application shall be filed within six weeks from the date of the Collector's award; and in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire.

48. Perusal of the prescriptions as contemplated under Section 64 of the Act, 2013, clearly indicates that to invoke this provision it is absolutely necessary to challenge the sward, if any person



interested has not accepted the award. In the case in hand, it is the admitted position that award has not even been approved till date.

49. Reliance of the petitioner on a decision of this Court in the case of Dhan Jee Pandey (supra) has application in the case in hand as that was the case where land

was acquired under the National Highway Authority Act, 1956, which is a self contained code and, moreover, there was already an award passed by the competent authority, but later on a decision has been taken by the State to get the excess amount refunded, which had already been paid, on account of having found the nature of the land agriculture instead of residential.

50. This Court has also gone through the materials on record and found that before reassessment/determination of the land, in



question, the land owners have been noticed and many of them filed their response, thus, the contention of the petitioners' that no notice or any opportunity was given prior to determination of land also does not get supported from the record.

51. In view of the aforesaid facts, circumstances and the position in law, this Court does not find any merit in this batch of the writ petitions. Let the award may be passed within a period of three months, if not passed till date after completing all the formalities. Suffice it to observe that the petitioners would have the liberty to assail the same in accordance with prescription, as provided under the Act, 2013, if any person interested has not accepted it.

52. Now coming to the legality of the impugned action of the respondent Collector to the extent whereby, apart



from directing the petitioners to ensure the payment of differential amount of compensation for the said purpose has frozen the Bank accounts of the petitioners, this procedure is apart from illegal and arbitrary, do not have any sanction of law. Thus this Court deprecate such action. However, the respondent authorities shall be at liberty to recover the differential amount by taking recourse of Public Demand Recovery Act, 1914 or through any other Act, in accordance with law, after finalization of the award, but without any interest accrued thereupon, as the petitioners were never at fault.

53. All the writ petitions stand dismissed with the aforesaid observation.

5. This Court has heard the parties and perused the records.

6. He submits that the petitioner ought to have satisfied the parties instead of rushing to the Court. Also there is order of the coordinate bench in the case Girish Kedia (supra) .



There is nothing on record whether pursuant to this order, any subsequent order has been passed against the same.

7. In that background, this Court has no reason to take a different view what has been observed by the coordinate bench, granting liberty to the petitioner to agitate the matter before an appropriate authority, if they so want, in the light of the order passed in Girish Kedia (Supra) and other cases, the writ petition is disposed of.

(Rajiv Roy, J)

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