

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8811 of 2021

1. Md. Islam @ Islam @ Noor Islam son of Late Abdul Matlib, resident of Village-Kumarwa, P.O. and P.S.-Baisi, District-Purnea.
2. A. Kalam @ Abul Kalam, son of Late Abdul Matlib, resident of Village-Kumarwa, P.O. and P.S.-Baisi, District-Purnea.
3. Abu Talib, son of Late Abdul Matlib, resident of Village-Kumarwa, P.O. and P.S.-Baisi, District-Purnea.
4. Abdus Sattin, son of Late Abdul Matlib, resident of Village-Kumarwa, P.O. and P.S.-Baisi, District-Purnea.
5. Niyamti Begum, Wife of Md. Akhtar Hussain, D/o Late Abdul Matlib, resident of Village-Kumarwa, P.O. and P.S.-Baisi, District-Purnea.
6. Mohid Alam @ Mohit Alam, son of Late Abbas resident of Village-Sadipur Butha, P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
7. Md. Shah Alam, Son of Late Abbas, resident of Village-Sadipur Butha, P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
8. Md. Zafar Alam, Son of Late Abbas, resident of Village-Sadipur Butha, P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
9. Nurjahan Begum, Wife of Abdul Gaffar, D/o Late Abbas, resident of Village-Sadipur Butha, P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
10. Sanjida Begaum, W/o Maulana Shahbuddin, D/o Late Md. Abbas, resident of Village-Asja Mobaiya, P.S.-Baisi, District-Purnea.
11. Samima Khatoon, W/o Samid Raja Noor, D/o Late Md. Abbas, Resident of Village-Malopara, P.O.-Ganghar, P.S.-Baisi, District-Purnea.
12. Naheda Khatoon, D/o Late Md. Abbas, resident of Village-Ufrail, P.O.-Kirora, P.S.-Balrampur, District-Katiah.
13. Afsari Begum, W/o Mohit Alam, resident of Village and P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
14. Bibi Raseda Khatoon, W/o Md. Zafar Alam, resident of Village and P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
15. Imtayaj, S/o Safik, resident of Village-Chakla, P.O.-Sadipur Butha, P.S. Baisi, District-Purnea.
16. Pankaj Kumar Das, Son of Budhan Lal Das, resident of Village and P.O.-Saidpur Butha, P.S.-Baisi, District-Purnea.
17. Kamal Kumar Sharma, son of Raj Kumar Sharma, resident of Village and P.O.-Asja Mobaiya, P.S. Baisi, District-Purnea.
18. Md. Mujaffar @ Mujaffar, son of Rafik, resident of Village-Chopra, P.O. and P.S.-Baisi, District-Purnea.
19. Akhtar, son of Rafik, resident of Village-Chopra, P.O. and P.S.-Baisi, District-Purnea.
20. Md. Quasim, son of Md. Yusuf, resident of Village and P.O.-Sadipur, Butha, P.S.-Baisi, District-Purnea.



21. Sakera Khatoon, Wife of Tahir Hussain, resident of Village and P.O.- Sadipur, Butha, P.S.-Baisi, District-Purnea.
22. Md. Tauhid Alam, Son of Late Khalil, resident of Village-Chaun Panisadra, P.O. and P.S.-Baisi, District-Purnea.
23. Tausif Alam, son of Late Khalil, resident of Village-Chaun Panisadra, P.O. and P.S.-Baisi, District-Purnea.
24. Vishwajit Sinha, Son of Rajendra Prasad Sinha, resident of Village and P.O. and P.S.-Baisi, District-Purnea.
25. Nitu Devi, Wife of Santosh Thakur, resident of Village-Panisadra, P.O. and P.S.-Baisi, District-Purnea.
26. Amla Devi, Wife of Sampat Lal Karmkar, resident of Village-Kauwanagar, Panisadra, P.O. and P.S.-Baisi, District-Purnea.
27. Pramod Kumar Sah, son of Late Mahindra Sah, resident of Village and P.O. and P.S.-Baisi, District-Purnea.
28. Pradeep Kumar Sah, son of Late Mahindra Sah, resident of Village and P.O. and P.S.-Baisi, District-Purnea.
29. Subodh Kumar Sah, son of Late Mahindra Sah, resident of Village and P.O. and P.S.-Baisi, District-Purnea.
30. Sarita Devi, wife of Suraj Sah, D/o Mahendra Sah, resident of Village-Ward No. 1, Maniyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate cum Collector, District-Purnia.
4. The Addl. Collector, District-Purnia.
5. The District Land Acquisition Officer, District-Purnia.
6. The Sub-Divisional Officer, Baisi, District-Purnia.
7. The Anchaladhikari, Anchal-Baisi, District-Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manzer Karim, Adv.
Mr. Md. Ziaul Quamar, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-09-2025

The instant case has been filed under Article 226 of



the Constitution of India by the several petitioners altogether 30 in number seeking the following relief(s):

" I. For issuance of an order, direction or a writ of Mandamus or any appropriate writ for commanding and directing the respondent authorities to enhance the quantum of the award in relation to the acquisition of their landed property after revising it in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which provides for determination of compensation in accordance with aforesaid Act, which should be the highest sales price in a given area.

II. For issuance of an order, direction of an appropriate writ directing the respondent authorities to prepare the quantum of award as fixed by the 6 member Committee, headed by District Magistrate cum Collector, Purnia, by which it has been fixed Rs. 43708/- per decimal for residential 1^a Category land, but petitioners have been awarded under the category of irrigated agricultural land, which is fixed by the said committee Rs. 6698/- per decimal only.

III. For issuance of any appropriate writ, order/orders, direction to hold the finding of the learned C.J.M, Purnia, one of the member of 6 Member Committee for fixing the award of compensation. In his finding the C.J.M, Purnia has observed that classification of acquire land be made on the basis of actual use of the land at present.

IV. For grant of any other relief or reliefs for which the petitioners may be deemed entitled".



2. Heard Mr. Manzer Karim, learned counsel appearing for the petitioners and Mr. Rishi Raj Sinha, learned counsel appearing for the State-respondents.

3. The main grievance of the petitioners is the fixation of inadequate compensation with regard to the land in question, which is to be acquired and along with this petition, the petitioners have filed copies of the certain notices sent under section 37 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 whereby some of the petitioners were informed about the fixation of the compensation amount with regard to their land which is to be acquired.

4. On the other hand, Mr. Rishi Raj Sinha, learned counsel for the State-respondents has taken the ground while opposing the petitioners' prayer that the petitioners have efficacious remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'RFCTLARR Act') to raise their grievances before the Collector, Purnia, if they have an objection to the compensation amount which has been fixed in the awards.

5. Considering the aforesaid submissions and having



taken note of the provisions of RFCTLARR Act, this court finds substance in the aforesaid submission made by the State-respondents' counsel.

6. Accordingly, the instant writ application stands disposed of with giving a liberty to the awardee petitioners to approach before the Collector concerned under the provisions of RFCTLARR Act for redressal of their grievances, if they file an application under Section 64 of RFCTLARR Act then the concerned Collector will take necessary steps to redress their grievances in accordance with the law and the period spent by the petitioners in this writ application shall be excluded while computing the necessary limitation period.

(Shailendra Singh, J)

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