

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18681 of 2014

Sk. Maqbool Son of Late Sk. Rasool Resident of Village - Sundarpur, P.O.
and P.S. - Pirpaiti, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Under Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Collector, Bhagalpur.
5. The District Land Acquisition Officer, Bhagalpur. null null
6. Phool Kumari Wife of Late Kishori Pd.
7. Suraj Kumar
8. Deepak Kumar Both sons of Shiv Shankar Sah, All resident of Pirpaiti Bazar, Police Station - Pirpaiti, District - Bhagalpur.
9. Manorma Devi Wife of Ram Swaroop Dubey
10. Md. Betab
11. Md. Taufique
12. Md. Athar
13. Md. Ehtesham All Sons of Md. Lukman null
14. Sk. Mohsim
15. Sk. Lukman Both sons of Late Sk. Nayeem
16. Zitunnisa Wfie of Late Sk. Khursheed All resident of Pirpaiti Bazar, Police Station - Pirpaiti, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Atif Inam, Advocate
For the State : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 30-06-2025 Heard Mr. Atif Inam, learned counsel for the

petitioner and Mr. Sushanta Kumar Das, learned counsel

representing the respondent no.6 to 8 and 10 to 16 while Mrs.

Kalpana is representing the respondent no.9, Mr. Manish



Kumar, learned GP-4 represents the State.

2. The present petition has been filed for the grant of following relief(s):

(a) To direct the Respondents to determine the compensation of the lands acquired in accordance with the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (hereinafter referred as "Act of Act) as mandated under section 24(1)(a) of the Act of 2013 so far as it relates to plot no.s 508, 635, 1609 and 1982.

(b) To direct the respondent to make reference under section 64 of the Act of 2013 for determination of the persons entitled to receive compensation and for appointment of the compensation amongst the petitioner and Respondent nos. 6 to 16 or under section 18 of the L.A.Act, 1894.

(c) To direct the respondent not make any further payment of compensation to Respondent nos. 6 to 16 until the final determination regarding the



persons entitled to receive compensation and the appointment of the compensation as per award under section 3 of the Act of 2013.

3. The matter relates to plot no.1982, khata no. 488 (1.73 Acre) situated at village Harimkot, under Pirpainti Police Station in the district of Bhagalpur, claimaints are there, petitioner/s case is that he was denied compensation and the respondents have distributed 80 per cent of it, only 20 per cent now remains which has been stopped pursuant to the order of coordinate Bench, on 12.04.2017.

4. Affidavits have come on record and the stand of respondent nos. 6 to 8 and 10 to 16 is/are that the so called gift of the year 1972 remained a paper transaction as neither it was accepted by the donees nor possession of the lands gifted/delivered to the donees.

5. A counter affidavit of the State respondents duly signed by District Land Acquisition Officer, Bhagalpur records that as per the second prayer of the petitioner, the matter can be referred to the authority under section 64 of the Right to Bare Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (henceforth for short 'the 2013 Act'). Section 64 of 'the 2013 Act' read as follows:



Section 64. Reference to Authority- (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 Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:*

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.



(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 Collector's award:

(b) 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:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

6. This kind of dispute where the petitioner/respondents are agitating and the alternative prayer has already been made by the petitioner, the State respondents



submitting that the same can be referred to, in that background, instead of keeping the writ petition pending, it would be appropriate that direction is given to the petitioner to approach the authority under section 64 of 'the 2013 Act' in next eight weeks.

7. If such petition is preferred, after putting all the concerned parties on notice, it is expected that the authority shall be taking the matter to its logical conclusion.

8. Taking into account the fact that the case is old one and as such, the same need to be expedited.

9. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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