

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13271 of 2021

1. Rakesh Singh, Son of Late Sidev Singh, Resident of Village- Babura, P.O.- Babura, P.S. - Barahara, District - Bhojpur (Ara).
2. Suraj Kumar Singh, Son of Mithilesh Singh, Resident of Village and P.O.- Babura, P.S. - Barahara, District - Bhojpur (Ara).
3. Shanti Devi, Wife of Late Awdhesh Singh, Resident of Village - Babura, P.O.- Babura, P.S.- Barahara, District - Bhojpur (Ara).
4. Rang Bahadur Singh, Son of Late Darbari @ Darbari Singh, Resident of Village - Babura, P.O. - Babura, P.S.- Barahara, District - Bhojpur (Ara).
5. Abhimanyu Kumar Singh, Son of Late Vinod Singh, Resident of Village - Babura, P.O. - Babura, P.S.- Barahara, District - Bhojpur (Ara).
6. Rajesh Kumar Singh, Son of Late Bhuneshwari Singh, Resident of Village - Babura, P.O.- Babura, P.S. - Barahara, District - Bhojpur (Ara).
7. Asha Singh, Wife of Rajesh Kumar Singh, Resident of Village - Babura, P.O.- Babura, P.S. - Barahara, District - Bhojpur (Ara).
8. Lakhpati Sah, Son of Late Hari Prasad Sah, Resident of Village - Babura, P.O. - Babura, P.S.- Barahara, District - Bhojpur (Ara).
9. Krishna Murari Singh, Son of Lakshman Singh, Resident of Village - Babura, P.O. - Babura, P.S. Barahara, District - Bhojpur (Ara).
10. Sri Ram Mahto, Son of Late Sita Ram Mahto, Resident of Village - Babura, P.O. Babura, P.S.- Barahara, District - Bhojpur (Ara).
11. Kameshwar Singh, Son of Late Raghunath Singh, Resident of Village - Babura, P.O.- Babura, P.S. - Barahara, District - Bhojpur (Ara).
12. Surendra Prasad, Son of Sheopujan Prasad, Resident of Village - Babura, P.O.- Babura, P.S.- Barahara, District - Bhojpur (Ara).
13. Jai Bahadur Sah, Son of Raghunath Sah, Resident of Village- Kapur Diyara, P.O. - Babura, P.S.- Barahara, District - Bhojpur (Ara).
14. Lalan Prasad Sao, Son of Late Ram Janam Sao, Resident of Village - Kapur Diyara, P.O.- Babura, P.S.- Barahara, District - Bhojpur (Ara).
15. Chandra Shekhar Rai, Son of Ganesh Rai, Resident of Village - Dhusariya, P.O.- Babura, P.S.- Barahara, District - Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Bihar State Pool Nirman Nigam Ltd. Patna through its Managing Director.
3. The District Magistrate-cum-Collector, Bhojpur at Ara.
4. The District Land Acquisition Officer, Bhojpur at Ara.
5. The Circle Officer, Barhara Block, District Bhojpur at Ara.
6. The Station House Officer, Barahara Police Station, District - Bhojpur at



Ara.

7. S.P. Singla, Construction Company, through its Managing Director, Registered office at 1006-1007, Pearls Best Height - 1, A- 5, Netaji Subhash Place, Pitampura, Delhi- 110034.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Singh, Adv. Mr. Ajay Kumar, Adv. Mr. Sunil Kumar Singh, Adv.
For the State-resp.	:	Mr. Atul Shankar, AC to SC-19
For the Resp. No. 2	:	Mr. Vikash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 19-11-2025 The instant writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs :

“(i). For issuance of writ of mandamus commanding upon the respondents to make compensation of the lands of the petitioners for the nature of residential instead of agricultural under the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(ii). Further for issuance of direction upon the respondents to first decide the objection raised by the petitioners on 14.11.2019 and 13.10.2020 respectively with regard to fresh consideration of nature of land acquired by the Government of Bihar for Construction of side bandh of Babura-Doriganj Bridge for which notices of compensation dated 25.10.2019 considering the nature of the land being agricultural has been issued to all petitioners and only then start the construction work over the land of these petitioners.



(iii). Further for grant of any other relief/reliefs for which petitioners are found entitled in the facts and circumstances of the present case.”

2. Mr. Sushil Kumar Singh, learned counsel for the petitioners, Mr. Atul Shankar, learned AC to SC-19 for the State-respondents and Mr. Vikash Kumar, learned counsel for the respondent No. 2, are present and they are heard.

3. The main grievance raised by the petitioners in this writ petition is that in respect of the petitioners' lands, which have been acquired by the Government of Bihar for construction of *side bandh of Babura Doriganj Bridge*, the compensation amount was not decided in the light of the nature of the lands as the same were shown as agricultural lands while the petitioners' lands were residential at that time and further, the objections filed by the petitioners after receipt of the copies of the awards, were kept pending by the District Magistrate-cum-Collector, Bhojpur at Ara and the District Land Acquisition Officer, Bhojpur at Ara, since 14.11.2019 & 13.10.2020, respectively, while as per the provisions of section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'Right to Fair Compensation Act'), the Collector is bound to refer an objection received by him with regard to the determination of



compensation amount and the said provision has not been complied with by the Collector/the District Land Acquisition Officer, Bhojpur at Ara, for which the petitioners have suffered a lot as they have not been able to get compensation since 2019, for which the District Magistrate-cum-Collector, Bhojpur at Ara, is solely liable as he is sitting tight on the petitioners' objections.

4. On the other hand, Mr. Atul Shankar, learned AC to SC-19 for the State-respondents has vehemently opposed this application and submits that though reference under section 64 of Right to Fair Compensation Act was not made by the District Magistrate-cum-Collector, Bhojpur at Ara, with regard to the determination of compensation in respect of the petitioners' lands but in actual the objections, of which copies have been filed by the petitioners as 'Annexure-4 series', do not show the petitioners' intention to object with regard to the quantum of the award and further, those objections were sent after the expiry of the prescribed time period which was mentioned in the award notices. It is further submitted by learned AC to SC-19 that for determination of the nature of the petitioners' lands, a six-member committee gave its report after examining the lands, which were to be acquired, and after hearing the objections of



the concerned parties and in this regard, a copy of their report has been filed with the counter affidavit as Annexure-‘B’ and the same may be perused.

5. For rebutting the submission made by learned AC to SC-19, learned counsel for the petitioners submits that in the report of the said six-member committee, most of the Khesra numbers pertaining to the petitioners’ lands detailed in the award notices, do not find place and the fact in itself falsifies the State-respondents’ claim as to the nature of the petitioners’ lands having been examined by the six member committee and in this regard, a wrong statement has been made on the affidavit.

6. It is submitted by learned AC to SC-19 for the State-respondents that the provisions of section 64 of the Right to Fair Compensation Act, which require from the concerned objector to apply to the authority for getting his objection referred, were not availed by the petitioners though in the present matter, the Collector did not refer the petitioners’ matter, if the statements made in the petition are believed, even then the petitioners themselves failed to avail the said remedial provision.

7. Heard both the sides and perused the relevant materials. This Court is of the view that it is an admitted



position that the petitioners' lands have been acquired and till date, they have not got any compensation and they had filed objections before the District Magistrate-cum-Collector, Bhojpur at Ara. Though in the said objections, the petitioners did not make a prayer for reference under section 64 of the Right to Fair Compensation Act but from the language of the objections, it is clearly apparent that the petitioners were not satisfied with the decision of the District Land Acquisition Officer, Bhojpur at Ara, with regard to the decision of the nature of the lands. Though the petitioners' objections were filed after the expiry of the prescribed time period mentioned in the award notices but even then the District Magistrate-cum-Collector, Bhojpur at Ara, may entertain an application even after the expiry of the prescribed time period if he is satisfied that there was sufficient cause for objector for not filing the objection in time and the discretionary power was not exercised by the District Magistrate-cum-Collector, Bhojpur at Ara, who is sitting tight on the objection/petitions of the petitioners, who have suffered a lot on account of their objections not being referred to the authority. Accordingly, this Court directs the District Magistrate-cum-Collector, Bhojpur at Ara, to refer the petitioners' objections immediately within four weeks from the



date of receipt of a copy of this Court’s order or production of the same. Upon such reference, the authority shall decide the petitioners’ case according to merit after hearing both the sides, as per the provision of law, within three months from the date of reference. The reference shall not be rejected solely on the ground of limitation. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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