

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16678 of 2021

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Bibi Fatima, Wife of Shekh Nathuni, Resident of Village and P.O. and P.S.-
Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
3. The Additional Chief Secretary, Road Construction Department, Government of Bihar Patna.
4. The Director Land Acquisition, Government of Bihar, Patna.
5. The District Magistrate, West Champaran, Betiah.
6. The Land Acquisition Officer, West Champaran, Betiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 20-08-2025 1. The petitioner has filed the instant writ petition for
following reliefs: -

*“(I) To issue a writ/Writs,
Order/Orders, Direction/ Directions to the
respondent authorities to set aside the award
(Annexure-4& 4/A) prepared by the
respondent no. 6, because the same is
contrary to the Right to Fair Compensation
and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act 2013
(Act no. 30/2013)*

(II.) To issue a writ / Writs,



Order/Orders, Direction/ Directions to the respondent authorities to prepare fresh award as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act no.30/2013)

(III.) To issue a writ / Writs, Order/Orders, Direction/Directions to the respondent authorities to consider the market value of the land as well as price fixed by the government for the land of locality.

(IV.) To issue a writ in the nature of Mandamus commanding and directing the Respondent Authorities to pay 18% interest on the award from the date of acquisition till the actual payment.

(V.) To issue other direction/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

2. It is contended by the petitioner that his land was acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (“2013 Act”, for brevity) for construction of Indo-Nepal Road, running through the international border between the above-named two countries.

3. It is also contended by the petitioner that the nature



of the land, which has been acquired, was wrongly treated as agricultural land and compensation was granted by lower rate. Practically, the land is situated adjacent the market and it ought to be held that the said land is either commercial or residential land.

4. It is provided in Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 :-

“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 Collectors 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 Collectors 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.”

5. Thus, the efficacious relief to the petitioner lies in referring the matter to the concerned authority, i.e., the jurisdictional Collector under Section 64 of the 2013 Act for assessment and compensation along with the rights of



rehabilitation and resettlement.

6. Therefore, the instant writ petition is disposed of, directing the petitioner to make proper reference to the concerned authority under Section 64 of the 2013 Act.

7. It is made clear that since the petitioner was pursuing a legal remedy by filing the instant writ petition bona fide and with all diligence, the competent authority is at liberty to consider the prayer for condonation of delay in filing the reference in accordance with the appropriate provisions of the Limitation Act.

8. With the aforesaid direction, the instant petition stands disposed of, on contest, however, without costs.

(Bibek Chaudhuri, J)

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