

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1227 of 2015

1. Woon Ahmad and Ors Son of Late Shakur Ahmad
2. Quadratunnisha Wife of Mohd. Anwar Hashan
3. Kaiser Raja Son of Mohideen All are residents of village and Post - Khairi Banka, P.S- Bisfi, Distt- Madhubani Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector of Distirt Dm, Darbhanga. null null
3. The Special Land Acquisition officer, Kosi Project Darbhanga.
4. The Land Acquisition Officer, Madhubani.
5. The Collector of District (DM), Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Adv.
For the Respondent/s	:	Mr. Ram Balak Mahto, Adv.
For the State	:	Mr. Ajay Behari Sinha, G.A.8

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 28-04-2025 Learned counsel for the petitioners prays for and is allowed to implead the Collector, Madhubani as respondent no. 5 in course of the day in view of the fact that now the present matter relates to the office of the Collector, Madhubani.

2. Heard the parties.

3. The present application has been preferred for the following relief(s):

(i) directing the Respondent-authorities to pay the amount of compensation to the petitioners by treating the plots in question as residential and to pay the petitioner the updated residential rate as per the Market



rate and the Government rate fixed by the government;

(ii) directing the respondents-authorities to pay the amount of compensation to the petitioner as per the Registration rate chart, fixed by the Govt. for the year 2013-14 (Annx-3 series), though the petitioner has been paid the compensation as per the old rate list of the year 2011-12 (Annx-3 series), meant for the agricultural land;

(iii) directing the respondents-authorities to pay compensation to the petitioner as per the new Rule and Act of 2013, which entitles compensation four times to the Government fixed price;

(iv) holding that the impugned Award notices (Annx-1 series), suffer from apparent error of record as the respondents have treated the plots in question as Agricultural, though all the acquired plots are residential in nature. Even the petitioners have been denied the updated agricultural rate by the Respondents- authorities.

(v) holding that the petitioners are entitled to compensation as per the market rate (laid down under Section 23 of L.A. Act, 1894 & section 26 of Resettlement Act, 2013) as well as the amount of Bonus and interest over the total amount, and also the amount of solatium on the total amount, as laid down in the Land Acquisition Act, 1894 as well as Acquisition and Resettlement Act, 2013;



*(vi) granting any other relief/reliefs
for which the petitioner may be found entitled
to.*

4. Despite several adjournments, the State failed to file supplementary counter affidavit. In that background, this Court wanted to impose cost upon the respondents but since the petitioner intends to approach the Collector, Madhubani for the redressal of the grievance, it is restraining from doing so. However, the respondents are cautioned to remain agile in future and file reply whenever letters are sent by the Law Officer failing which adverse order is expected.

5. Learned counsel for the petitioners has taken this Court to the order in question and submit that since it has been recorded that the petition was not filed before appropriate authority, that is one of the ground for rejection, he shall be approaching the Collector, Madhubani for the redressal of grievance in next four weeks.

6. If such petition is filed, after calling for the records and hearing all the necessary parties, it is advisable to the respondent concerned to dispose it of in next six months.

(Rajiv Roy, J)

Vijay Singh/-

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