

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14058 of 2022

1. Jag Narayan Singh Son of Ramyas Singh resident of village- Dudhani, Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
2. Shailesh Rai Son of Girija Rai resident of village- Nyayipur, Akhauripur, P.S.- Buxar Moffasil, District- Buxar.
3. Santosh Singh Yadav Son of Laxman Singh resident of village- Akhauripur, P.S.- Buxar Moffasil, District- Buxar.
4. Hanuman Singh Son of Dhuryodhan Singh resident of village- Kanak Narayanpur, Akhauripur Gola, P.S.- Buxar Moffasil, District- Buxar.
5. Ram Nagina Singh Son of Kuber Singh resident of village- Akhauripur Gola, P.S.- Buxar Moffasil, District- Buxar.
6. Chandravilash Rai Son of Shripati Rai resident of village- Akhauripur, Chausa, P.S.- Buxar Moffasil, District- Buxar.
7. Anil Dubey Son of Ram Ashish Dubey resident of village- Nyayipur, Akhauripur Gola, P.S.- Buxar Moffasil, District- Buxar.
8. Ram Bilas Singh Son of Saryu Singh resident of village- Near Durga Mandir Chausa, P.S.- Buxar Moffasil, District- Buxar.
9. Shyam Narayan Rai Son of Jag Jitan Rai resident of village- Kutubpur, P.O.- Kutubpur, P.S.- Buxar Moffasil, District- Buxar.
10. Jayprakash Rai Son of Vikrama Rai resident of village- Kutubput, Gazipur, Bara, P.S.- Gamhar, District- Gazipur, Uttar Pradesh.
11. Dharmadev Singh Son of Rajaram Singh resident of village- Kutubpur, Gazipur, Bara, P.S.- Gamhar, District- Gazipur, Uttar Pradesh.
12. Jugul Kishor Rai Hansraj Rai resident of village- Kutubpur, P.O.- Bara, P.S.- Gamhar, District- Gazipur, Uttar Pradesh.
13. Girja Devi Wife of Rambachan Rai resident of village- Kutubpur, Kutubpur, Bara, P.S.- Gamhar, District- Gazipur, Uttar Pradesh.
14. Hari Charan Ram son of Late Shreekawal Ram Mahuari, P.S.- Buxar Moffasil, District- Buxar.
15. Santosh Kumar Singh son of Paras Nath Singh resident of Kuaa Ke Pass, 22 Mahuari, Mahuari, Chunni, P.S.- Buxar Moffasil, District- Buxar.
16. Lok Nath Singh son of Chandrama Singh resident of village- Mahuari, Pauni, Chunni, P.S.- Buxar Moffasil, District- Buxar.
17. Kamla Devi Wife of Jalim Rai resident of village- Mahuari, Mahuari, P.O.- Chunni, P.S.- Buxar Moffasil, District- Buxar.
18. Shivjee Singh son of Sudarshan Singh resident of village- Mahuari, Buxar, Chunni, P.S.- Buxar Moffasil, District- Buxar.
19. Durgavati Devi Wife of Chhathu Ram resident of village- Chausa, P.S.- Buxar Moffasil, District- Buxar.
20. Jaymangal Pandey son of Ramsagar Pandey resident of village- Chausa (Bara More), Chausa, P.S.- Buxar Moffasil, District- Buxar.



21. Vijayshankar Pathak son of Sidhanath Pathak resident of village- Chausa Baremore, Chausa, P.S.- Buxar Moffasil, District- Buxar.
22. Amar Nath Yadav son of Khedan Singh Yadav resident of village- Kathgharwa, Buxar, Chausa, P.S.- Buxar Moffasil, District- Buxar.
23. Kashi Nath Singh son of Late Dudh Nath Singh resident of village- Dudhni, Kamarpur, Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
24. Ram Pravesh Singh son of Late Ramadhar Singh resident of village- Ghrohi (Dharmagatpur), Dharmagatpur, P.S.- Buxar Moffasil, District- Buxar.
25. Lal Jee Singh son of Dukhi Singh resident of village- Narayanapur, P.S.- Buxar Moffasil, District- Buxar.
26. Rajnarayan Choubey son of Late Kedar Choubey resident of village- Narayanpur, Chauda, P.S.- Buxar Moffasil, District- Buxar.
27. Rajnath Singh son of Ramsavraup Singh resident of village- Dhudhani, Dhudhani, Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
28. Surendra Singh son of Ramyash Singh resident of village- Dhudhani, Dhudhani Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
29. Asha Devi Wife of Jagnarayan Singh resident of village- Dhudhani, Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
30. Prema Devi Wife of Ram Bahadur Singh resident of village- Dhudhani, Kamarpura, P.S.- Buxar Moffasil, District- Buxar.
31. Shanti Singh Wife of Late Jangbahadur Singh resident of village- Dhudhani, Kamarpur, P.S.- Buxar Moffasil, District- Buxar.
32. Sharda Raman Pandey son of Parmanand Pandey resident of 80 Bare Mode, Chausa, Ward No. 02, Chausa, P.S.- Buxar Moffasil, District- Buxar.
33. Shivpratap Dubey son of Bechu Dubey resident of village- Mahuari, Chunni, P.S.- Buxar Moffasil, District- Buxar.
34. Ramanand Giri son of Chandrashekhar Giri resident of village- Mathiya Road, Chausa, P.S.- Buxar Moffasil, District- Buxar.
35. Ravindra Nath Dubey son of Muktinath Dubey resident of village- Chunni Milki, Chausa, P.S.- Buxar Moffasil, District- Buxar.
36. Vinda Devi Wife of Ramashray Singh resident of village- Mahuari, P.S.- Buxar Moffasil, District- Buxar.
37. Shreenivas Singh son of Baleshvar Singh resident of village- Mahuari, P.O.- Chunni, P.S.- Buxar Moffasil, District- Buxar.
38. Hare Ram Singh son of Ram Nidhi Singh resident of village- Kathgharwa, P.S.- Buxar Moffasil, District- Buxar.
39. Dinesh Chandra Pandey son of Sharda Raman Pandey resident of village- Chausa, P.S.- Buxar Moffasil, District- Buxar.
40. Arun Kumar Sharma son of Subhash Sharma resident of village- Mahuari, Chunni, P.S.- Buxar Moffasil, District- Buxar.
41. Marachho Devi Wife of Munni Lal Singh resident of village- Mahuari, Chausa, P.S.- Buxar Moffasil, District- Buxar.
42. Radheshyam Singh son of Ramkawal Singh resident of village- Mahuari,



Chunni, P.S.- Buxar Moffasil, District- Buxar.

43. Chanda Devi Wife of Sanjay Kumar Singh resident of village- Mahuari, P.S.- Buxar Moffasil, District- Buxar.
44. Puspa Devi Wife of Umashankar Pandey resident of village- Chausa, Bada Mod, P.S.- Buxar Moffasil, District- Buxar.
45. Satish Kumar Choubey son of Hari Shankar Choubey resident of village- Chausa, P.S.- Buxar Moffasil, District- Buxar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The Chief Land Acquisition and R. and R., S. T. P. L., Buxar.
3. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
4. The Collector-cum-the District Magistrate, Buxar.
5. The District Land Acquisition Officer, Buxar.
6. The Sub Divisional Officer, Buxar.
7. The Circle Officer, Chausa, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Kumar Singh
For the Respondent/s	:	Mr. Kumar Gangesh Gunjan, CGC
For the State	:	Mr. Sajid Salim Khan, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-02-2025 1. Heard learned counsel for the petitioners, learned SC-25 for the State and the learned counsel appearing on behalf of Union of India.

2. The learned counsel appearing on behalf of the petitioners submits that the issue involved in the present writ application can well be appreciated if the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred as “2013 Act”) is understood in its correct



perspective. It is submitted that Section 4 of the 2013 Act provides for preparation of social impact assessment study and for the said purpose Section 4(1) provides for consultation at village level and others, for such consultation government is required to issue notification and the notification for such consultation is required to be published under Section 4(2) of the 2013 Act. It is next submitted that Section 4(3) of the 2013 Act provides that the Social Impact Assessment Study Report (hereinafter referred as “SIASR) shall be made available to the public in the manner prescribed under Section 6 of the 2013 Act. It is further submitted that from perusal of Section 5 of the 2013 Act, it would manifest that whenever a social impact assessment is required to be prepared under Section 4, the appropriate government shall ensure that a public hearing is held at the affected area after giving adequate publicity about the date, time and venue for the public hearing to ascertain the views of the affected families to be recorded and included in the SIASR.

3. It is next submitted that Section 6 of the 2013 Act requires the appropriate government to publish the SIASR in the affected area while Section 7(6) of the 2013 Act, provides for publication of the recommendation of the expert group in the affected area. It is further submitted that Section 11(1) of the 2013 Act, provides for publication of the preliminary notification



mentioning details of the land which are to be acquired while Section 11(5) mandates that after issuance of the notification under Section 11(1) of the 2013 Act and before issuance of the declaration under Section 19 of the 2013 Act, the Collector shall undertake and complete the exercise of updating of land records within two months. It is further submitted that Section 12 of the 2013 Act, provides for preliminary survey of the land and Section 13 of 2013 Act provides for payment of damages found during the survey. Further, Section 15 of 2013 Act provides for hearing of the objection filed within two months by the interested persons, against the preliminary notification issued under Section 11(1) of the 2013 Act, while Section 18 provides for publication of the approved rehabilitation and resettlement scheme in the affected area, further Section 19 of the 2013 Act mandates declaration and summary of rehabilitation and resettlement to be published in two daily newspapers.

4. The learned counsel for the petitioners submits that before publication of declaration under Section 19 of the 2013 Act, several procedures are to be followed as recorded hereinabove. It is next submitted that the petitioners are land holders of the plot/plots of the mouza mentioned in front of their name as would manifest from Annexure-1 and are paying rent to the State of Bihar regularly as would manifest from Annexure-2.



It is submitted that in Khatiyani which was prepared based on the survey done in the year 1906-1908, the aforesaid plots (i.e. Annexure-1) were recorded as agricultural land with the names of their then respective land holders. It is submitted that after preparation of the Khatiyani decades have gone by and the entire area has changed and in the vicinity several commercial activities are going on.

5. It is next submitted that for construction of rail corridor for SJVN. Thermal Private Limited, Buxar, the lands were required, accordingly, the petitioners were asked separately on different dates for giving consent for taking their land on lease for which consent letters were issued by the authorities separately to the petitioners, it is submitted that since the consent letters did not specify the rate nor the period for which the lands were to be taken on lease, as such, the petitioners refused consent. It is submitted that some of the consent letters are annexed as Annexure-3 series in order to avoid bulkiness of the brief.

6. It is next submitted that after petitioners refused their consent for giving the land on lease, they were shocked to know that a notification under Section 11(1) of the 2013 Act (Annexure-4) has been issued under signature of respondent no. 4 (Collector) that the lands have been brought under acquisition for the purposes of construction of the rail corridor for Buxar



Thermal Power Station. The learned counsel submits that it is asserted and submitted that provision of Section 4 to 7 of the 2013 Act was given a complete go-by. It is next submitted that since preliminary notification under Section 11(1) of the 2013 Act was published, that amply demonstrates the intention of the government to acquire the land and the DLAO (respondent no. 5) thus was authorized to act in terms of the mandate of Section 12 of the 2013 Act, which provides for preliminary survey of land.

7. It is further submitted that the Collector in terms of Section 11(5) of the 2013 Act was required to update the records within two months of issuance of the notification issued under Section 11(1) of the 2013 Act, but then no steps were taken nor any notice was issued to the petitioners either by respondent no. 4 or by the DLAO, Buxar (respondent no. 5), at this stage, the learned counsel submits that some of the petitioners had purchased the land mentioned in notification issued under Section 11(1) of the 2013 Act from their earlier owner and were paying rent.

8. It is submitted that since no notice was issued, as such, the petitioners did not raise any objection against the notification issued under Section 11(1) of the 2013 Act.

9. It is submitted that on 22.10.2021, the respondent no. 4 issued declaration under Section 19(1) of the 2013 Act



(Annexure-5) acquiring the lands mentioned in the said declaration, thereafter on 01.04.2022 (Annexure-6 series), the awards were prepared under Section 23 and 30 of the 2013 Act, but then petitioners were not made aware of the award, it is submitted that some of the awards have been annexed as Annexure-6 series to avoid bulkiness of the brief. It is next submitted that from perusal of the award, it would manifest that nowhere rate has been mentioned based on which the amount of compensation has been calculated.

10. The learned counsel for the petitioners submits that thereafter separate notices in terms of Section 37(2) of the 2013 Act (Annexure-7 series) was issued by the respondent no. 4, informing the petitioners, or their vendors, except petitioner no. 1, that payment of compensation shall be made on submission of relevant/required documents and if petitioners are ready to accept the compensation then petitioners either himself or through his authorized agent with record related to the acquired land must appear in the office of the respondent no. 4 on 11.05.2022 or on any working days thereafter, it was also recorded in the notice that in the event of non appearance, no interest would be paid.

11. The learned counsel for the petitioners next submits that under Section 30(2) of the 2013 Act, respondent no. 4 is required to furnish the details and the particulars of



compensation payable to the petitioners, but then the same was missing in the notice, annexed as Annexure-7 series.

12. It is next submitted that petitioners appeared on 11.05.2022 and on subsequent dates before the respondent no. 4 and filed their objection (Annexure-8 series) with regard to the amount of compensation and its calculation and a request was made to calculate the amount of compensation on the basis of commercial rate and also for service of a family member of the petitioners i.e. the affected families. The objection recorded that the acquired lands shall be used by the power plant for commercial purpose and not for agricultural purpose, as such, the petitioners should be given compensation at commercial rate, but then no action was taken. It is submitted that on 02.08.2022, the DLAO, Buxar on instruction of the respondent no. 4 met the petitioners and directed them to file their written complaint as would manifest from letter dated 02.08.2022 (Annexure-10), it is further submitted that the petitioners thereafter received an undated letter (Annexure-12) of the DLAO, Buxar asking the petitioners to appear before him on 13.09.2022 for hearing on objection filed before the respondent no. 4.

13. The learned counsel for the petitioners submits that till date, the objection filed by the petitioners before the respondent no. 4 has not been heard. It is next submitted that even



the award which has been prepared, the same is in complete breach of Section 30(2) of the 2013 Act as the same does not even remotely record that on what basis and rate, the amount of compensation has been calculated. It is also submitted that no doubt in the Khatiyān, the lands of the petitioners are recorded as agricultural, but then the Khatiyān was prepared based on a survey done in the year 1906-1908. It is further submitted that decades have gone by and the area has changed, even the nature of land has changed and in the vicinity several commercial developments have started, but then the authorities have calculated the rate of compensation based on the fact that in the Khatiyān, the lands are recorded as agricultural without appreciating the fact that the Khatiyān was prepared in the year 1906-1908. It is further submitted that even the provisions of Section 4 to 7 of the 2013 Act was not complied by the authorities before issuance of notification under Section 11(1) of the 2013 Act, it is thus submitted that petitioners were completely unaware that their lands would be acquired since they had refused consent for giving the land on lease. The learned counsel next submits that had the mandate of Section 4 to 7 been complied, the petitioners would have been in a position to raise objection as the lands which stand acquired under the notification issued under Section 19 of the 2013 Act is their only source of livelihood.



14. At this stage, the learned SC-25 Mr. Sajid Salim Khan, submits that since the petitioners have already filed their objection before the respondent no. 4 and if the respondent no. 4 even after filing of the objection till date has not redressed the grievance of the petitioners in that event, the petitioners are not remediless rather Section 64 of the 2013 Act mandates that in the event if the Collector does not refer the matter to the authority within 30 days in that event the aggrieved person can *suo motu* move before the appropriate authority for seeking redressal of his/her grievance. The learned SC-25, thus, submits that since award has been prepared and the petitioners are aggrieved by the award for the reasons as recorded hereinabove, in that event, the petitioners ought to have moved before the appropriate authority in terms of Section 64 of the 2013 Act if the Collector did not refer their matter to the authority within 30 days of filing of their objections.

15. At this stage, the learned counsel for the petitioners submits that petitioners would be satisfied in the event if the writ application is disposed of with a direction to the authority under Section 64 of the 2013 Act to decide the objection of the petitioners with regard to the award within a time frame, on which the learned State counsel submits that from perusal of the pleadings made in the writ application, it would manifest that the



objection of the petitioners till date is still pending before the respondent no. 4 and the same has not been referred to the authority as pleaded in the writ application, as such, when the matter presently is not pending adjudication before the authority in terms of Section 64 of the 2013 Act, whether any direction can be given to the authority for disposing of the objection of the petitioners against the award within a time frame, on which the learned counsel appearing on behalf of the petitioners submits that petitioners were expecting the respondent no. 4 to refer the matter to the authority within 30 days, but since the same was not done, as such, the petitioners themselves would move before the authority in term of Section 64 of the 2013 Act in absence of reference by the Collector within the time stipulated in Section 64, within a period of 40 days from today, on which the learned State counsel submits that if the petitioners file their objection before the authority within 40 days from today i.e. on or before 28.03.2025 in that event the writ application can be disposed of with a direction to the authorities to decide the objections of the petitioners within a time frame.

16. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file their objection against the award before the appropriate authority i.e. LARRA (Land Acquisition Rehabilitation and



Resettlement Authority) on or before 28.03.2025, if the objections by the petitioners before the LARRA are filed on or before 28.03.2025, in that event the LARRA shall decide the objection of the petitioners filed against the award within a period of six months thereafter in accordance with law.

(Satyavrat Verma, J)

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