

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1103 of 2023

In
Civil Writ Jurisdiction Case No.5311 of 2023

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Ramayan Singh Son of Late Deojit Singh, Resident of Harijika Hata, Dumraon, P.O. and P.S.-Dumraon, District-Buxar. At present residing at Village-Sakari, P.S.-Kudra, District-Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The Eastern Dedication Freight Corridor Corporation of India Limited through the Chief Project Manager, Mughalsarai, Varanasi.
2. The Deputy Project Manager, Eastern Dedication Freight Corridor Corporation of India Limited, Mughalsarai, Varanasi.
3. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna.
4. The District Magistrate, Kaimur, District-Kaimur (Bhabua).
5. The Arbitrator cum Commissioner, Patna Division, Patna.
6. The Competent Authority cum District Land Acquisition Officer, Kaimur (Bhabua).
7. The Circle Officer, Kudra, Circle-Kudra, P.S. Kudra, District-Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ramchandra Singh, Advocate.
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-10-2025

The appellant has assailed the order of learned



Single Judge dated 21.08.2023 passed in CWJC No. 5311/2023.

2. Core issue involved in the present lis is whether the appellant is entitled to have the compensation and other ancillary benefits on account of acquisition of his land under the new Act, 2013 or under the old Act.

3. The learned Single Judge has taken note of Section 24(2) of RFCTLARRA, 2013 and proceeded to draw an inference that appellant has been paid 50% of the compensation prior to 01.01.2015, therefore, appellant is entitled to whatever the compensation and other ancillary benefits only in terms of old Act.

4. Feeling aggrieved by the aforementioned order of the learned Single Judge, the appellant has presented this L.P.A.

5. Para -3 and 6 of the impugned dated 21.08.2023 reads as under:-

“3. Learned counsel for the petitioner submits that the copy of award of the petitioner is dated 16.02.2016 whereas a letter has been issued by the respondent no.1 i.e. Eastern Dedication Freight Corridor Corporation of India Limited on 25.05.2015 in which it has been decided that entitlement matrix shall be applicable for awards (20F) declared after 01.01.2015 in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement



Act, 2013 (Act No. 30 of 2013) (hereinafter referred to as the "RFCTLARRA, 2013"). He further submits that by the said decision dated 31.01.2023 the claim of petitioner has been rejected after direction passed by this Hon'ble Court. By a conclusive part it has been decided by District Land Acquisition Officer that proviso of Section 24 (2) of the RFCTLARRA, 2013 is not applicable in the present case. He also submits that in the light of date of award as well as letter issued by respondent no.1, the decision is not good and this order should be set-aside.

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6. If the argument of learned counsel for the petitioner shall be accepted then the letter dated 25.05.2015 shall have to prevail upon Section 24 (2) of the RFCTLARRA, 2013. This situation is not permissible in the eye of law because the said letter dated 25.05.2015 issued by respondent no.1 shall always be in connivance of Section 24 (2) of the RFCTLARRA, 2013. The order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur (Bhabua) has been passed in accordance with Section 24 (2) of the RFCTLARRA, 2013 as payment of more than 50% of the compensation amount has already made as well as the date of award is prior to 01.01.2015. Therefore, the order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur



(Bhabua) may appears to be in contradiction with letter dated 25.05.2015 (Annexure No.4 to the writ petition) but actually it is in consonance with Section 24 (2) of the RFCTLARRA, 2013. Hence, the present Writ Petition stands dismissed and the order dated 31.01.2023 passed by District Collector Acquisition Officer, Kaimur (Bhabua) is sustained".

6. Firstly, we have noticed that the respondents have not filed their counter statement in CWJC. Under what circumstances, learned Single Judge has drawn an inference that appellant has been paid 50% of the compensation amount prior to 01.01.2015 is not forthcoming.

7. Learned counsel for the appellant, on instruction, submitted that appellant has not been paid any compensation pursuant to the award in the year 2012 read with 2016.

8. In the light of the aforementioned factual aspects of the matter, the appellant has remedy of filing Civil Review instead of filing L.P.A

9. Accordingly, the present L.P.A. stands disposed of reserving the liberty to the appellant to invoke a Civil Review.

10. Learned Single Judge is requested to condone the delay in respect of the time spent in the present L.P.A. in the light of Section 14 of the Limitation Act and decide Civil



Review at the earliest in view of the fact that the award is of the year 2012 read with in the year 2016.

11. Pending interlocutory application/s, if any, also stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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