

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2561 of 2017

1. Indradeo Singh and Anr
2. Chandradeo Singh @ Chandra Singh, Late Deonandan Singh, residents of Village- Jalalpur, P.O.- Gultenganj, P.S.- Chhapra Muffasil, Circle- Sadar Chhapra, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Commissioner, Saran Division, Chhapra.
3. Collector, Saran, Chhapra.
4. District Land Acquisition Officer, Saran, Chhapra.
5. Arbitrator-cum-Additional Collector, Saran, Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Roy, Adv. Mrs. Anu Narayan, Adv.
For the Respondent/s	:	Mr. Vivekanand Singh, AC to Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-02-2026 Heard Mrs. Anu Narayan, learned counsel for the petitioners and Mr. Vivekanand Singh, learned State Counsel.

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

(i) Issuance of an appropriate writ including a writ in the nature of writ of mandamus commanding the respondents to forthwith refund the sums of money deducted towards TDS in making payment of amounts of compensation on acquisition of the petitioner's lands of Survey no. 199 of Khata no. 154 under Thana no. 312 of Mauza



Jalalpur in Sadar Chhapra for construction of road and / or its widening for the purpose of 4 lane NH 19 from Hajipur to Chhapra to Gopalganj. In respect of the aforementioned acquisition pertaining to Award no. 23 the respondents illegally deducted a sum of Rs. 4,18,831.41 as TDS which was not deductible and even after deduction they did not remit it to the income tax authority and are retaining the same which was / is refundable with interest @ 18% per annum. The amount of compensation of Award no. 23 is too low for which representations had failed to bring any response nor there is any anxiety of the respondents to refund the remaining 20% of the compensation amount as they initially paid only 80% of the meagre amount calculated at much lower rate.

(ii) issuance of an appropriate writ including a writ in the nature of writ of mandamus directing / commanding the respondents to forthwith calculate and make adequate and appropriate payments in respect of trees and commercial line hotel for which no payments had been made.

(iii) Issuance of an appropriate writ in the nature of writ of mandamus directing / commanding the respondents to forthwith recalculate the amounts of compensation paid to the petitioners as the



proceedings though commenced in 2010-11 yet the payments thereof have been made very belatedly after 3 years when the new Act, ie. The Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to in short as the new Act) had already come into operation with effect from 01.01.2014 and therefore the compensation ought to have been paid under the provisions of the new Act since such much belated payment of compensation cannot be allowed to cause any disadvantage to the petitioners because whatever delay has occurred it is attributable to the respondents and for whose lapses and laches the petitioners and/or such other persons cannot be made to suffer.

(iv) Issuance of an appropriate writ including a writ in the nature of writ of mandamus directing / commanding the respondents to apply the correct principles in computation of compensation of acquired lands with reference to the market rate of such lands and the prescribed government rate for registration of such lands and when rates are correctly applied the amounts of compensation would be more than double the amounts of compensation aforementioned and therefore after correctly calculating the



amounts of compensation on correct principles the balance / remainder of the recalculated compensation amount be kindly directed to be paid forthwith. In this regard the respondents have to keep in mind that the computation has been done by them on the basis of the rate which was applicable in 2011-12 and the payments have been made in July and September, 2014, but in the meantime the new rates came into operation with effect from March, 2013, and therefore all computations and payments are to be made and done on the basis of the rates which are applicable since March, 2013. Thus the difference amounts be also ordered to be paid to the petitioners with interest.

(v) Issuance of an appropriate writ in the nature of writ of mandamus to pay all such sums of money with interest @ 18% per annum due to delay and illegality committed by the respondents.

(vi) Issuance of any other appropriate writ(s), order(s), direction(s) as may be deemed fit and proper in the facts and circumstance of the case.

3. Learned counsel for the petitioners submit that for the land acquired, he was entitled at commercial rate but the officials have denied.

4. Learned State Counsel submits that the petitioner



should move before the Land Acquisition, Rehabilitation and Resettlement Authority (henceforth for short, 'LARRA') as the authority is functioning.

5. In that background, Mrs. Narayan, on instruction, submits that the petitioners shall be approaching the concerned authority in next eight weeks.

6. If the petitioners approach the concerned authority, the same be taken up and after hearing all the parties, be disposed of in accordance with law at an earliest.

7. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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