

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5916 of 2017

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1. Paras Nath Gupta and Anr S/o Sri Radhey Kishun Sah, Resident of Village- Gurkimandi, P.S.- Alamganj, District- Patna.
 2. Nandlal Sah, S/o Late Nanhak Sah, Resident of Village- Choti Pahari, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director, Land Acquisition and Rehabilitation, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Patna.
4. The District Land Acquisition Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajatshatru, Advocate
For the Respondent/s : Mr.Sajid Salim Khan-Sc25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-01-2026

I.A. No. 02 of 2024:

2. The aforesaid Interlocutory Application has been preferred for substituting the petitioner no.2, Nandlal Sah who died on 26.12.2019 with the legal representative as recorded in para-03 as follows:

“Daulat Kumar Gupta, Age about 32 years, Male, S/o late Nandlal Sah, resident of village-Choti Pahari, P.S. Agamkuan, District-Patna.

3. There is no opposition from the other side.

4. In that background, I.A. No. 02 of 2024 is allowed.



5. Let the name of Daulat Kumar Gupta, son S/o late Nandlal Sah be recorded in the writ petition in place of the petitioner no.2, Nandlal Sah who died on 26.12.2019.

6. I.A. No. 02 of 2024 is allowed.

C.W.J.C. No. 5916 of 2017:

7. Heard Ajatshatru, learned counsel for the petitioner and the State.

8. The present petition has been preferred for the following relief/s:

(i) to issue a writ in the nature of MANDAMUS/CERTIORARI or any other writ or direction commanding the respondents to pay the compensation of acquired land following the provisions contained in section 24 to 30, 40, 69 & 80 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Here in after mentioned as "The Act"]. Further the petitioners prays for direction to respondents to enumerate the market value of land as on the date of implementation of



"the Act" i.e. 1.1.2014 as mentioned in the letter dated 26.10.2015 & 4.12.2015 [Ann-6 & 7], further prayer to pay the additional compensation of 75 % as per section 40 (5) of the Act as well as letter dated 7.12.2016 [Ann-9] because the land has been acquired under emergent provisions, further the petitioners prays for direction to pay the amount @12% per annum as contained in section 30 (3) of the Act, further prayer for direction to respondents to pay the interest u/s 80 of the Act and be further pleased to issue any further direction/directions to the respondents in view of the facts and circumstances of this case.

9. The counter affidavit has come on behalf of the respondents, according to which, alongwith the 12% additional amount, the payment has been made. The counter affidavit further states that the petitioner has remedy to move before the appropriate authority under section 64 of the Act.

10. By filing the rejoinder petition, the petitioner has disputed the facts recorded by the respondents in the counter



affidavit. However, the submission is that since stand has been taken the and forum is available, the petitioner be granted liberty to approach the concerned authority under section 64 of the Act.

11. Granting said liberty and recording the fact that the writ petition was pending before this Court since the year 2017 and as such any petition filed within a period of eight weeks has to be taken into account while dealing with the limitation petition.

12. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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