

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9998 of 2026

Md. Irfan @ Irfan Son of Late Nawab, Resident of Village- Kujbanna, P.S. Pirpainty, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The Addl. Collector, Bhagalpur.
7. The Dy. Collector Land Reforms, Kahalgaon, Bhagalpur.
8. The District Land Acquisition Officer, Bhagalpur.
9. The Circle Officer, Pirpainty, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Swapnil Kumar Singh, Advocate
For the Respondents	:	Mr. Braj Bhushan Mishra, A.C. to A.A.G.9

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 09-07-2026 Heard learned counsel for the respective parties.

2. By filing the present writ application, the petitioner has prayed for a direction to the concerned respondent for payment of due compensation of the land so acquired by them.

3. With a further prayer to pay solatium and due interest thereon for constructing a Thermal Power Plant at Pirpainty, Bhagalpur, the Government acquired more than hundred acres of land in which the land of the petitioner appertaining to Khata No. 684, Khesra No. 1529, Area 76.5



decimal, Mauja Kunjbanna and Jamabandi No. 702, Pirpainty, Bhagalpur, duly purchased by petitioner's father Sk Muddin, son of Sk Dhodai on 11.01.2000, has also been acquired.

4. The aforesaid land of the petitioner was acquired in the year 2012, but, without issuing any notice and without affording him any opportunity of hearing in the year 2012 and till date, no compensation has been paid to him. He further contends that the District Land Acquisition Officer initially denied payment of compensation on account of the fact that the land which the petitioner has duly purchased was shown to be in the name of the Government as "*Anabad, Bihar Sarkar*".

5. To rectify the aforesaid mistake where the wrong entry has been made in the Government record with respect to the aforesaid piece of land, the purchaser i.e. Rama Devi filed a case under Section 106 of the Bihar Tenancy Act, 1885 which was registered as Case No. 327/77, and after proper examination of the record and due inquiry, the necessary correction was made in the name of the holding and after due correction, Jamabandi was created in the name of Rama Devi, from whom the petitioner's father purchased the land.

6. He also points out that the process of acquisition of land has been initiated before the death of his father, who died on 04.03.2011, but, thereafter the land has been acquired and



payment was refused on account of wrong entry in the khatiyan. So he claims that now after the correction in the entry, which has duly been admitted by the revenue authorities, as evident from Annexures P/5, P/6 and P/7, corroborates the aforesaid fact regarding claim of petitioner.

7. Highlighting all these issues and enclosing all these relevant Government documents, the petitioner filed representation before the Collector, Bhagalpur, but no action has been taken thereon by the Collector.

8. Learned counsel for the State fairly submits that in view of the documents brought on record vide Annexures P/5, P/6 and P/7, the matter may be remitted back to the Collector for deciding the issue in terms of provisions as contained in Section 60(4) and 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLRR) which casts duty on the Collector to decide the issue of payment of compensation by referring it to the appropriate authority.

9. Heard learned counsel for the parties and perused the documents, especially the Annexures P/5, P/6 and P/7 which undisputedly and unequivocally establish the right, title and possession of the petitioner over the aforesaid land which has been acquired by the Land Acquisition Officer for the purposes



of constructing a Thermal Power Plant at Pirpainty, Bhagalpur.

10. The aforesaid document leave not an iota of doubt that only the petitioner and his co-sharers are legally entitled to get compensation from the authorities concerned. For the land already acquired in the year 2012, the compensation has not been paid till 2026, i.e., 14 long years have lapsed since the date of acquisition.

11. Now, the issue with respect to the right, possession and holding over the aforesaid land has been settled by the revenue authorities which is manifestly evident from Annexures P/5, P/6 and P/7. The authorities which have acquired the land are under obligation to pay the compensation with due interest thereon at the earliest.

12. Section 60(4) states as follows:

“60(4). The Authority shall, after receiving reference under Section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

Section 64 states as follows:

64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and



Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application 'shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award:

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

13. In the light of the aforesaid statutory provisions which are mandatory and binding in nature, the petitioner is directed to file a proper representation enclosing therewith all the relevant revenue records showing his right, title and possession over the land which has duly been acquired in the year 2012 and on receipt of such application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Collector is duty



bound to refer the same to the appropriate authority within thirty days thereafter.

14. Since the issue with respect to non-payment of compensation relates to the year 2012, when the land was acquired, the appropriate authority after due reference so made by the Collector, Bhagalpur, shall decide the issue within six months time as stipulated under Section 60(4) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

15. It goes without saying that the payment of compensation must be calculated adding thereon the rate of interest which is stipulated in Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which the petitioner is legally entitled to get on the delayed payment of compensation for the land so acquired by the authorities.

16. This writ application is disposed of in the aforesaid terms directing the petitioner to file a proper representation as directed hereinabove within three weeks henceforth and the Collector, Bhagalpur on his part is equally directed to get the matter referred to the appropriate authority in terms of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



17. The entire aforesaid process of referring and deciding the claim of petitioner must be completed within a period of nine months henceforth.

18. The writ petition stands disposed of.

19. The interlocutory application(s), is any, stands disposed of.

(Rana Vikram Singh, J)

Smriti/
Supratim/-

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