

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9945 of 2026**

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Sunil Paswan Son of Ramdev Paswan, Resident of Village- Mangabar, Police Station- Nabinagar, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Directorate of Land Acquisition Government of Bihar, Patna.
3. The District Magistrate cum Collector, Aurangabad.
4. The District Land Acquisition Officer, Government of Bihar, Patna.
5. The Chief Executive Officer, Bhartiya Rail Bijali Company Ltd. (A Joint Venture of India Railway and N.T.P.C.) its office located at the campus of BRBCHI Khaira, P.S.- N.T.P.C. Khaira Circle- Nabinagar, District- Aurangabad.

... .. Respondents

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**Appearance :**

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|---------------------|---|---------------------------------------------------------------------------------------------|
| For the Petitioner  | : | Mr. Anirudh Kumar Verma, Advocate<br>Mr. Vyas Kumar Mishra, Advocate                        |
| For the State       | : | Mr. Government Pleader (05)                                                                 |
| For the Resp. No. 5 | : | Mr. Amaresh Kumar Sinha, Advocate<br>Mr. Vaibhav Narayan, Advocate<br>Ms. Deeksha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL ORDER**

2      08-07-2026                      Heard learned counsel for the respective parties.

2. At the very outset, the learned counsel for the petitioner prays for modification in the nomenclature of respondent no. 4.

3. Permission is accorded.

4. The counsel for the petitioner is directed to correct the same in course of the day.

5. At the very outset, without going into the merits of the case, learned counsel for the petitioner prays for withdrawal



of the writ application with liberty to approach the concerned authority in terms of Section 18 of the Old Act, i.e., The Land Acquisition Act, 1894 for enhancement of compensation which, in his estimation, is not in consonance with the nature of land. Since the land of the petitioner has duly been acquired in the year 2009-10 and there is no dispute with respect to that and the compensation thereon has already been paid, but now, only question that remains to be decided by the authorities concerned with respect to the enhancement/inadequacy of the compensation amount which, in estimation of the petitioner, is not in consonance with proper nature of the land and he has been paid, undervaluing the land, less compensation thereon.

6. In view of the aforesaid fact, the petitioner is required to approach the Collector of the district in terms of the provisions as contained in Section 18 of the Act (*supra*) enclosing therewith all the supporting documents substantiating and buttressing his claim for enhancement of compensation, whereafter the Collector in terms of Section 18 has to refer the matter to the competent Court. Section 18 lays down as follows:-

***“18.Reference to Court – (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 Court, whether***



*his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.*

*(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 Collectors award;*

*(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collectors award, whichever period shall first expire.”*

7. Section 18 which has been detailed in part III under the heading “Reference to Court and Procedure thereon”, specifically stipulate that any person who has not accepted the award may by filing written application to the Collector, require the matter to be referred by Collector for determination of the code with respect to:-

*“(i) objection regarding measurement of the land.*

*(ii) the amount of compensation.*

*(iii) the persons to whom it is payable.*



*(iv) the apportionment of the compensation among the persons interested thereon.”*

Sub-clause 2 of Section 18 prescribes the period of limitation for agitating the provisions as contained in Clause 1 of Section 18. The petitioner, has approached this Court though after much delay for enhancement of compensation for the amount which has been paid to him for the land duly acquired in the year 2011, however approaching the wrong forum by the person, could not be a ground to deny the relief to the extent of agitating his cause before the concerned authority in terms of the statutory provisions therein and the authorities, which have been saddled with the power to exercise their discretion for the same, has to be reasonable and judicious considering the plight of the persons whose land has been acquired and being not satisfied with the amount of compensation, he has been approaching the various authorities for the same.

8. If the petitioner, within two weeks henceforth, approaches the authorities as mentioned in Section 18 of the Land Acquisition Act, 1894, the authorities i.e. The Collector, Aurangabad, considering the peculiar circumstances of the case, wherein the petitioner has approached this Court citing various orders passed by different co-ordinate Benches for getting his



matter referred to the authorities, herein in the old act, it is to be termed as “Court”, to which reference has to be made by the Collector, shall consider the same and refer the matter to the competent Court following proper course for adjudication of the claims of petitioner.

9. The petitioner has also been claiming his right on the basis of parity, raising the issue that in the similar and identical matters, the Collector, Aurangabad, has referred the matter expeditiously before the competent Court in terms of Section 18 of the Act of 1894, arising out of same notification, by which the land of the petitioner has been acquired. If this aspect is raised, the Collector, Aurangabad is under obligation to consider the same and in order to maintain parity in accordance with law, should also consider the same with respect to petitioner by referring the matter to the competent Court as expeditiously as possible.

10. The writ petition stands disposed off.

**(Rana Vikram Singh, J)**

Smriti/  
Supratim/-

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