IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16402 of 2026

CNR No. BRHC011103942026

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Shyam Bihari Singh son of late Lal Narayan Singh, resident of Village and PO - Tarari, PS-Daudnagar, District - Aurangabad.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Competent Authority cum District Land Acquisition Officer, Aurangabad.
4. The Land Acquisition Rehabilitation and Resettlement Authority, Gaya.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the State : Mr. Ajay Mishra, S.C.7

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been preferred for the following relief:

> *"(i) For issuance of writ of mandamus directing upon the concerned respondent to refer the matter under Section 64 (1) of the Right to Fare Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (In short Act, 2013) granting liberty to file appropriate petition.*
> *(ii) For issuance of writ of mandamus in the alternative, without prejudice to the aforesaid prayer granting liberty to the petitioner to pursue the statutory reference before the Competent Land Acquisition*

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Rehabilitation and Resettlement Authority, Gaya under proviso to Section 64(1) of the Act.
(iii) For any other relief(s) be granted to the petitioner for which he is entitled."

3. The matter relates to land appertaining to Khata No. 465, Plot No. 1110, measuring 0.01315 Acre, at Mauza Tarari, Circle Daudnagar (Aurangabad), which has been acquired for construction of Daudnagar, Nasriganj approach Road upon some bridge vide Gazette notification dated 12.11.2023.

4. The contentions of the petitioner are as follows:

"(i) That the petitioner, being aggrieved by the determination made in the award notice dated 04.03.2024, specifically objected to the amount of compensation and other consequential entitlements arising from the acquisition;
(ii) That the compensation amount was received under protest, expressly reserving the petitioner's right to seek determination of the lawful and adequate compensation in accordance with the provisions of the Act, 2013;
(iii) That the petitioner approached the competent Authority with a specific grievance against the award, but the respondent Collector has refused to make a reference to the Land Acquisition, Rehabilitation and Resettlement Authority;
(iv) That the first proviso to Section 64(1) of the Act, 2013 is couched in mandatory language and requires the Collector to make the reference to the appropriate Authority within thirty days from the receipt of the application, and the second proviso provides a statutory mechanism where the Collector

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fails to make such reference, enabling the applicant to approach the Authority for a direction to the Collector to make the reference;

(v) That the Collector has been entrusted with the statutory power to refer the matter on the point of quantum of compensation, which is a limited statutory function of making the reference, and the Collector is not constituted as an adjudicatory forum to decide the merit of the petitioner's claim for enhanced compensation, the adjudication of the dispute lying before the competent LARR Authority;

(vi) That the petitioner cannot be deprived of a substantive statutory remedy because of an institutional circumstance beyond his control, namely the non-availability/non-functioning of the LARR Authority, and a beneficial legislation enacted for ensuring fair compensation and protection of land owners cannot be interpreted in a manner which leaves the land owners remediless merely because the statutory adjudicatory forum was unavailable; and

(vii) That the authority may be directed to refer the case under Section 64(1) of the Act, 2013, enabling the petitioner to await the statutory remedy, failing which the petitioner would become remediless."

5. The learned counsel for the State submits that the petitioners have a statutory remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. Taking into consideration that an alternative efficacious remedy is available to the petitioner before the Land Acquisition, Rehabilitation and Resettlement Authority

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(LARRA), this Court is not inclined to entertain the present writ petition.

7. If such an application is moved by the petitioner before the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), the same shall be entertained and the order shall be passed as expeditiously as possible, preferably within a period of six months from the date of receipt/production of this order in accordance with law and shall not dismiss the same mainly on the ground of limitation.

8. The writ petition stands disposed of with aforesaid observation.

(Alok Kumar, J)

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