

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.111 of 2025
In
Civil Writ Jurisdiction Case No.19752 of 2024

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Kashinath Mishra s/o Dharmnath mishra Resident of Village- Takipur, Police Station- Maharajganj, District- Siwan (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran, Chapra.
3. The Competent Authority-Cum-District Land Acquisition Officer, Siwan.
4. The District Magistrate-Cum-Collector, Siwan.
5. The Additional Collector, Siwan.
6. The Circle Officer, Maharajganj, Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Waliur Rahman, Advocate Mr. Ranjeet Choubey, Advocate Mr. Kumar Gaurav Singh, Advocate
For the State	:	Mr. Abhijit Gautam, Advocate Mr. Shailendra Kumar Dwivedi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-02-2026

This Letters Patent Appeal has been filed by the appellant-Kashinath Mishra challenging the order dated 23.01.2025 passed by the learned Single Judge in CWJC No. 19752 of 2024.

2. The aforesaid writ petition was filed seeking for the following relief(s):-



“(i) a direction For issuance of writ/s, order/s, direction/s in the nature of mandamus, commanding the respondent to issue to immediately make payment against the acquired of land of the petitioner situated under Mauza-Sarangpur, Thana No. 537, Khata No. 516, 217, Khesra No. 291, 290, 288, 289, 295, 296, 297, 299, 300 acquired under the construction of the Project namely Ramjanki Path.

ii. For further issuance of writ/s, order/s, direction/s to pay the entire amount of compensation along with penal interest @24% per annum.”

3. It is the case of the appellant that his land was acquired for the construction of Ram Janki Path, pertaining to Mauza-Sarangpur, Thana No. 537, Khata Nos. 516 and 217, and Khesra Nos. 291, 290, 288, 289, 295, 296, 297, 299, and 300. The said land was the ancestral property of the petitioner-appellant, and upon partition of the joint family property, it fell to the petitioner’s share. The petitioner is in cultivating possession of the land for the last 40 years. It is the further case of the appellant that the land was acquired for the four-lane scheme of *Ram Janki Path* as NH-227A (Siwan–Masrakh). For the said widening and extension of the road, the land was acquired by the Authority in Land Acquisition Case No. 13 of 2021–22, and thereafter an award was prepared. The entire land originally belonged to one Chandradev Mishra, who was the maternal forefather of the appellant. Upon learning that his co-sharers were attempting to obtain the compensation in their



favour, the appellant filed his objection and submitted all relevant documents before the Land Acquisition Officer, Siwan, asserting his ownership over the land.

4. The application was submitted on 11.03.2022, which has been annexed to the writ petition as Annexure-1 and thereafter another application was submitted to the District Magistrate, Siwan for making payment of the compensation which has been annexed as Annexure-2 to the writ petition. It is further case of the appellant that on the application of the appellant, the District Land Acquisition Officer, Siwan issued Memo No. 1011 dated 07.08.2024 to the Circle Officer, Maharajganj and called for a detailed report regarding claim of the petitioner along with the opinion of the Circle Officer regarding payment of compensation to the appellant and the Circle Officer, Maharajganj submitted a detailed report, in which he has opined that the appellant is entitled to get the payment of compensation as he has share in the land and there is no dispute pending over the land. The said report of the Circle Officer, Mahagajganj has been annexed to the writ petition as Annexure-4. It is the case of the appellant that, although he has approached the Office of the District Land Acquisition Officer, Siwan, on several occasions with a request for payment of



compensation in respect of the land acquired by the Authority, no action has been taken in this regard.

5. When the matter was taken up on 23.01.2025, before the learned Single Judge, a submission was made by learned counsel for the State, with reference to Annexure-4 to the writ petition, that the land stood recorded in the name of the petitioner's maternal grandfather and that the sons of the maternal grandfather were in possession of the land. It was further submitted that there was no dispute with respect to the land and that the enquiry report of the Circle Officer, Maharajganj did not even remotely suggest that the land belonged to the petitioner.

6. On the basis of such submission and after perusing the enquiry report of the Circle Officer, Maharajganj, the learned Single Judge dismissed the writ petition.

7. Learned counsel for the appellant argued that the Circle Officer, Maharajganj conducted a comprehensive enquiry into the matter and submitted a detailed report dated 09.09.2024 which confirmed the appellant's rightful claim to compensation and the report further clarified that the objection raised during the acquisition process was baseless and it was resolved in favour of the appellant. Learned counsel further argued that in



view of specific provision available in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred to as the 'Act, 2013'), if there is a dispute as to the apportionment, the Collector is required to refer such dispute to the Authority which has been defined under the 'Act, 2013' and since the Authority has not taken any steps, the appellant was constrained to approach this Court by filing the writ petition, however, the writ petition was dismissed without any cogent reason and since there is perversity in the order, the L.P.A may be entertained and the impugned order be set aside.

8. Section 76 of the 'Act, 2013', which relates to dispute as to the apportionment states that 'when the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority'.

'Authority' has been defined under Section 3(f) of 'Act, 2013' which means Land Acquisition and Rehabilitation and Resettlement Authority established under section 51 of the said Act.

Section 51 of 'Act, 2013' states that the appropriate



Government, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as the “Land Acquisition, Rehabilitation and Resettlement Authority” in exercise of jurisdiction, powers and authority conferred on it by or under this Act, and the appropriate government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise the jurisdiction for entertaining and deciding the references made to it under section 64 and applications made by the applicant under second proviso to sub-section (1) of section 64.

Section 63 of ‘Act, 2013’, bars the jurisdiction of the Civil Court to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under the ‘Act, 2013’ and it further stipulates that no injunction shall be granted by any court in respect of any such matter.

9. Taking note of the aforementioned statutory provisions, we are of the view that the submission advanced by the learned counsel for the appellant that the Collector ought to have referred the dispute to the Authority has got substantial force



and the appellant's prayer should not have been rejected by the learned Single Judge for referring the matter to the Authority.

10. After hearing the learned counsel for both the parties and having found perversity in the order of the learned Single Judge dated 23.01.2025 passed in CWJC No. 19752 of 2024, we set aside the said order.

11. The respondent no. 4-District Magistrate-cum-Collector, Siwan shall act upon the certified copy of this order produced before him and shall now refer the dispute to the Competent Authority. The Authority concerned shall thereafter take a decision expeditiously in accordance with law.

It is made clear that we have expressed no opinion on the merits of the claim of the appellant regarding his entitlement to get compensation.

Accordingly the LPA stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2026
Transmission Date	NA

