

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16235 of 2021

Manif Mian Son of Noor Mohammad Mian Resident of Village and P.O. and P.S. - Inarwa, District- West Champaran.

... ... Petitioner/s
Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and land Reform, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
3. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Director Land Acquisition, Government of Bihar, Patna.
5. The District Magistrate, West Champaran, Bettiah.
6. The Land Acquisition Officer, West Champaran, Bettiah.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Respondent/s : Mr.Md. Khurshid Alam (Aag4)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 27-08-2025

The petitioner has filed the instant writ petition for the following relief(s) :

I.) To issue a writ / Writs, Order/ Orders, Direction/ Directions to the respondent authorities to set aside the award (Annexure-2) prepared by the respondent no. 6, because the same is contrary to the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013(Act no. 30/2013)

II.) To issue a writ / Writs, Order/ Orders, Direction/ Directions to the respondent authorities to prepare fresh award as per the Right to fair



compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013(Act no. 30/2013)

III.) To issue a writ / Writs, Order/ Orders, Direction/ Directions to the respondent authorities to consider the market value of the land as well as price fixed by the government for the land of locality.

IV.) To issue a writ in the nature of Mandamus commanding and directing the Respondent Authorities to pay 18% interest on the award from the date of acquisition till the actual payment.

V.) To issue other direction/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

2. The case of the petitioner in brief is that a notice under Section 11(1) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (“2013 Act”, for brevity) was issued on 19th September, 2019 for acquisition of land under 2013 Act for construction of Indo-Nepal Border Road. Since the petitioner had no objection if the disputed property was acquired by the State, the respondent authorities issued a notice under Section 21(2) of 2013 Act in LA Case No. 104/2015-16 on 17th October, 2016 in which 22 decimal of land owned by the petitioner in khata no. 144, khesra No. 107 (1) of Mauza Inarwa were



acquired. It is also contended by the petitioner that the land which has been acquired is situated at the vicinity of the dwelling house of the petitioner though the nature of land was recorded as Baanswari (Bamboo Grove). The grievance of the petitioner is that the respondents wrongly treated the land as agricultural land but it ought to be treated as a residential land and the amount of compensation should be enhanced.

3. It is provided in Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 :-

"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 application shall be made-every such

(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 21, or within six months from the date of the Collectors 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."

4. Thus, the efficacious relief to the petitioner lies in referring the matter to the concerned authority, i.e., the jurisdictional Collector under Section 64 of the 2013 Act for assessment and compensation along with the rights of



rehabilitation and resettlement.

5. Therefore, the instant writ petition is disposed of, directing the petitioner to make proper reference to the concerned authority under Section 64 of the 2013 Act.

6. It is made clear that since the petitioner was pursuing a legal remedy by filing the instant writ petition bona fide and with all diligence, the competent authority is at liberty to consider the prayer for condonation of delay in filing the reference in accordance with the appropriate provisions of the Limitation Act.

7. With the aforesaid direction, the instant petition stands disposed of, on contest, however, without costs.

(Bibek Chaudhuri, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

