

(2020) 01 PAT CK 0033

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 231 Of 2020

Md. Junaid Alam

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition Rehabilitation And Resettlement Act, 2013 — Section 21, 23, 30

Citation : (2020) 01 PAT CK 0033

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Abhay Kumar Kashyap

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to GP 18 for the State.

2. The petitioner has moved the Court for the following reliefs:

"I. To issue an appropriate writ/order/direction, in the nature of Certiorari quashing the Memo No. 296 dated 04.02.2019 issued by the Collector-cum-Land Acquisition Officer, Kishanganj by which it has been informed to the petitioner that the Award of the land of the Petitioner acquired for constructions of Araria-Galgalia New B. G. Rail Line has been ascertained as Rs. 2, 75,943/- (Rupees Two Lakh Seventy Five Thousand Nine Hundred Forty Two Only) and has been requested to receive the amount after producing appropriate papers of the land in question (as contained in Annexure-4).

II. To issue an appropriate writ/order/direction, holding the Award of the compensation amount of Rs. 2, 75, 943/- under Section 23 & 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "2013 Act") as illegal, null and void as the same has been prepared against the Principle of Natural Justice and without disposing of the objection, which was mandatorily required under

Section 23 of the 2013 Act.

III. To issue an appropriate writ/order/direction, directing the Respondents to dispose of the objection of the Petitioner filed under Section 21 of the 2013 Act in the manner as laid down under Section 23 of the 2013 Act.

IV. To any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case."

3. A counter affidavit has been filed on behalf of respondent no. 3 today in which the stand is that along with the petitioner all similar matters have been referred to the Land Acquisition Rehabilitation and Resettlement Authority, Purnea on 18.11.2019.

4. Learned counsel for the petitioner submitted that the Authority may be directed to dispose off the matter within a fixed time period.

5. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the Land Acquisition Rehabilitation and Resettlement Authority, Purnea to dispose off the matter, as far as it relates to the petitioner, expeditiously and latest within three months from the date of production of a copy of this order, in accordance with law, after giving opportunity of hearing to all concerned, including the petitioner.