



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19183 of 2018

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1. Awadh Kishore Chaurasia
 2. Raj Kishore Chaurasia.
 3. Manoj Kumar Chaurasia.
 4. Garib Nath Chaurasia.
 5. Nawal Kishore Chaurasia @ Nawal Kishore, All are Sons of Triyug Bhagat
 6. Triyug Bhagat Son of Late Buni Lal Bhagat. All are Resident of Village-Chausiya, P.S. Sonapur, District-Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Saran at Chhapra.
3. The Land Acquisition Officer, Saran at Chhapra.
4. The Kanungo, Land Acquisition Section, Saran at Chhapra.
5. The Deputy Collector Land Reforms, Sonapur, Saran Cum-Addl. Land Acquisition Officer Saran at Chhap
6. The District Land Acquisition Officer Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha -SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-10-2025 At the outset, learned counsel for the petitioner submits that he shall be depositing Rs. 200/- with the Patna High Court Legal Services Committee and the receipt shall be filed in the office.

2. Heard Mr. Vivekanand Singh, learned counsel for the petitioners and the State.

3. The present writ petition has been preferred for the following relief(s):





“i. For issuance of an appropriate writ/s, order/s, Direction/s for quashing the order dated 07.06.2018 passed by the respondent no. 6 whereby and under he was pleased to reject the application filed by the petitioners alongwith others in LAR Case No. 97/2018 which was filed by them to pay the compensation for their land likely to be acquired in purported exercise of power under section 11 of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for construction of the Digha Pahleja Rail cum Road Bridge approach road.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents paying compensation for petitioners to the of in like manner residential house which is being paid to other persons of the same village within the radius of 200 mtrs from the same mauza.

iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents for quashing award bearing no. 48, which has been giving by the respondent by treating the land of the petitioners as agricultural land whereas land of other villagers of the same mauza is being considered as residential house and direct





the respondent to pay the same amount of fair compensation to the petitioners as has been determined by the respondents in the second notice published in daily newspapers.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

4. The short order by the District Land Acquisition Rehabilitation and Resettlement Act in Case No. 97 of 2018 (Awadh Kishore Chaurasiya vs. State of Bihar) dated 07.06.2018 read as follows:

अनेक्चर-5

भूमि अर्जन प्राधिकार सारण, छपरा केस 97/18

अवध किशोर चौरसिया..... बनाम.....बिहार सरकार
बगैरह

7.6.2018:— अवध किशोर चौरसिया एवं अन्य इक्कीस लोगों के तरफ से वाद दायर किया गया है। इस वाद में जमीन को प्रवृत्ति एवं मूल्यांकन कराने के लिए आवेदन दिया गया है। आवेदकों के तरफ से जमीन आदि का कोई कागज दाखिल नहीं किया गया है। भू-अर्जन विभाग द्वारा जो मुआवजा निर्धारित किया गया है उसका भी कोई कागज दाखिल नहीं किया गया है।

आवेदकों द्वारा पहले भू-अर्जन विभाग में आपत्ति दायर करना चाहिए था तथा वहां कार्रवाई नहीं होता तो उसके





विज्ञ समाहर्त्ता के यहां आवेदन देना चाहिए था। तथा उसके बाद एन0 एच0 आई के तकनीकी सेल में उचित मूल्य निर्धारण के लिए आवेदन देना चाहिए था लेकिन आवेदकों द्वारा उपरोक्त कोई कार्रवाई नहीं किया गया है। ऐसी स्थिति उन्हें निर्देश दिया जाता है कि उचित श्रीमान् के सुनवाई के लिए कार्रवाई करें। अब यह प्रीमीच्योर स्टेज है अतः हम पर इस न्यायालय द्वारा अभी कार्यवाई नहीं किया जा सकता है। इसे रखें। अभी यहाँ से कोई कार्रवाई नहीं किया जा सकता है। अतः आवेदन वाद खारीज किया जाता है। तथा निर्देश दिया जाता है कि अचित फोरम में आवेदन करें।

ह0/— हस्पष्ट
अध्यक्ष
भूमि अर्जन पुनर्वास और पुनस्थापना
प्राधिकार, सारण, छपरा।

5. Though the learned counsel for the petitioner tried to impress upon this Court that they have documents to be relied upon, this Court is of the view that when the petitioners failed to provide any document before the said authority, it was impossible for them to pass any appropriate order/direction.

6. Liberty already was given by the authority to raise all the points before appropriate forum.

7. At this stage, learned counsel for the petitioner submits that they shall be preferring appropriate petition with all the relevant document for the redressal of the grievance but there has been some delay.





8. The said submission is valid when the matter is pending before this Court since the year 2018.

9. In that background, the writ petition is disposed of allowing the petitioners to approach in next ten weeks before the appropriate authority/forum and if such petition is/are filed, the same be taken up and decided on merit after hearing all the parties and the limitation petition be disposed of accordingly, taking into account the fact that for seven years, the writ petition was pending before Patna High Court.

10. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Adnan/-

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