

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7428 of 1993

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Shivendra Prasad Sinha S/o Late Janardan Pd. Sinha, resident of village-Shri Nagar PS Siwan Moffassil District Siwan at present resident of Mohalla Ratanpura (North of Jail) PO & Panchayat Secretary Bhagwan Bazar district Saran

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Land Reforms, Old Secretariat, Patna
2. The Collector, Siwan
3. The Land Acquisition Officer, Siwan
4. The Secretary, Daroga Pd. Rai College, Siwan at & PO Siwan district Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. V. P. Srivastava, Advocate

For the Respondents : Mr. Praveen Kumar, AC to GP 27
Mr. Binay Kant Mani Tripathi, Advocate
Mr. Ajay Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 01-05-2015 This writ application was filed in the year 1993 seeking quashing of the entire land acquisition proceeding bearing Land Acquisition Case No. 5/82-83 as also the notification dated 05.01.1988.

While admitting the writ application on 17.03.1994 status quo was directed to be maintained by a division Bench of this court. The land acquisition proceeding, therefore, did not proceed any further.

Mr. Mahesh Narayan Parbat, learned senior counsel

appearing on behalf of the petitioner, appears to be right in his submission that the said land acquisition proceeding lapsed with enactment of “The Right to Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013” which came into force with effect from 26.09.2013. Section 24 of the Act provides that the land acquisition process initiated under the Bihar Land Acquisition Act, 1894 shall be deemed to have lapsed in certain circumstances which includes a circumstance where no award under section 11 of the Land Acquisition Act, 1894 could be prepared.

This is not in dispute that in the present case also no award could be made in terms of Section 11 of Land Acquisition Act, 1894. Mr. Parbat has rightly placed reliance upon an order of this court dated 30.03.2015 passed in CWJC No. 11734 of 1992 to submit that by operation of Section 24 of the Act, the land acquisition proceeding in question lapsed.

This writ application is disposed of to the extent it relates to the petitioner.

(Chakradhari Sharan Singh, J)

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