

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6300 of 2014

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1. Ranjeet Rai Son Of Late Jatil Rai @ Jato Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 2. Rajeev Kunwar Son Of Late Sitaram Kunwar Resident Of Village - Birpur (Paschim Tola), P.O. & P.S. Birpur, District - Begusarai
 3. Kamini Kumari Wife Of Late Ajay Kunwar Resident Of Village - Birpur (Paschim Tola), P.O. & P.S. Birpur, District - Begusarai
 4. Sanjay Kumar Son Of Late Sitaram Kunwar Resident Of Village - Birpur (Paschim Tola), P.O. & P.S. Birpur, District - Begusarai
 5. Fulena Rai Son Of Late Aniko Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 6. Ram Nagina Rai Son Of Late Aniko Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 7. Ram Put Rai Son Of Late Aniko Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 8. Rajkumar Rai Son Of Late Aniko Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 9. Ramchandra Rai Son Of Late Ramlochan Singh Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 10. Ram Binay Rai Son Of Late Ramlochan Singh Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 11. Pappu Rai Son Of Late Ramlochan Singh Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 12. Sarswati Devi Wife Of Late Ghanshyam Choudhary Resident Of Village - Birpur (Paschim Tola), P.O. & P.S. Birpur, District - Begusarai
 13. Radhey Shyam Choudhary Son Of Late Satyanarayan Choudhary Resident Of Village - Birpur (Paschim Tola), P.O. & P.S. Birpur, District - Begusarai
 14. Bhola Rai Son Of Late Siya Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 15. Arun Rai Son Of Late Siya Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 16. Nawal Singh Rai @ Nawal Rai Son Of Late Siya Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 17. Durga Devi Son Of Radha Raman Singh Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 18. Ajay Kumar Son Of Late Bhuna Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 19. Shashi Bhushan Jha Son Of Late Sitaram Jha Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 20. Upendra Yadav Son Of Late Siya Yadav Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 21. Fultun Rai Son Of Late Ramnandan Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai
 22. Rajeev Rai Son Of Late Yugal Rai Resident Of Village - Birpur (Purwari Tola), P.O. & P.S. Birpur, District - Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Revenue-Cum-Land Reforms Department (Land Acquisition Directorate), Government Of Bihar, Patna
2. The Principal Secretary, Revenue-Cum-Land Reforms Department (Land



Acquisition Directorate), Government Of Bihar, Patna
 3. The District Magistrate-Cum-Collector, Begusarai
 4. Additional Collector, Begusarai
 5. District Land Acquisition Officer, Begusarai
 6. Additional District Land Acquisition Officer, Begusarai

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7463 of 2014

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1. Siyaram Mahto son of Late Dewan Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
2. Rambali Mahto son of Late Chandradeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
3. Ramkumar Mahto son of Late Chandradeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
4. Hareram Mahto son of Late Chandradeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
5. Nando Mahto son of Late Paltan Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
6. Rakesh Kumar son of Bileshar Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
7. Ramsakal Pandit son of Late Janak Pandit resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
8. Lakshmi Pandit son of Late Janak Pandit resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
9. Ramkumar Mahto son of Late Ram Sagar Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
10. Mukul Mahto son of Late Ram Sagar Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
11. Harinandan Mahto son of Late Ramdhari Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
12. Dinesh Mahto son of Late Jatan Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
13. Rambabu Mahto @ Ramanuj Kumar son of Late Banarsi Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
14. Ramjivan Singh son of Late Rameshar Rai resident of village - Birpur, P.O. Birpur, P.S. Birpur, District - Begusarai
15. Laljivan Singh son of Late Rameshar Rai resident of village - Birpur, P.O. Birpur, P.S. Birpur, District - Begusarai
16. Harijivan Singh son of Late Rameshar Rai resident of village - Birpur, P.O. Birpur, P.S. Birpur, District - Begusarai
17. Sanjay Mishra son of Suresh Mishra resident of village - Birpur (Purwari Tola), P.O. Birpur, P.S. Birpur, District - Begusarai
18. Sakuntala Devi @ Sakuni Devi wife of Late Ram Narayan Singh @ Pirhivi Singh resident of village - Dihpar, P.O. Dihpar, P.S. Birpur, District - Begusarai
19. Jagtaran Devi Daughter of Late Ramswaroop Yadav resident of village - Birpur (Purwari Tola), P.O. Birpur, P.S. Birpur, District - Begusarai
20. Rambalak Thakur son of Late Natho Thakur resident of village - Birpur (Purwari Tola), P.O. Birpur, P.S. Birpur, District - Begusarai
21. Suresh Hazari son of Late Anik Hazari @ Sundar Hazari resident of village -



Birpur (Purwari Tola), P.O. Birpur, P.S. Birpur, District - Begusarai
 22. Maheshwar Hazari son of Late Anik Hazari @ Sundar Hazari resident of
 village - Birpur (Purwari Tola), P.O. Birpur, P.S. Birpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna
2. The Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna
3. The District Magistrate - cum - Collector, Begusarai
4. Additional Collector, Begusarai
5. District Land Acquisition Officer, Begusarai
6. Additional District Land Acquisition Officer, Begusarai

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7492 of 2014

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1. Ram Kailash Mahto son of Late Rabi Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
2. Mahendra Thakur Son of Late Siyaram Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
3. Rajendra Thakur Son of Late Siyaram Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
4. Devendra Thakur Son of Late Siyaram Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
5. Mohan Thakur son of Late Ramsevak Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
6. Balram Thakur son of Late Ramsevak Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
7. Ram Thakur son of Late Ramsevak Thakur resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
8. Mahendra Mahto son of Late Kashi Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
9. Sajjan Mahto son of Late Kashi Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
10. Ramchandra Mahto son of Late Sakhi Chand Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
11. Bhola Mahto son of Late Sakhi Chand Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
12. Sahdev Mahto son of Late Sakhi Chand Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
13. Rambali Mahto son of Late Sakhi Chand Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
14. Rajkumari Devi Daughter of Late Anik Lal Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
15. Haricharan Mahto son of Late Sukhram Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
16. Ramadhar Mahto son of Late Sukhram Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai
17. Ram Kumar son of Bijli Mahto resident of village - Pakri, P.O. Muzaffara,



P.S. Birpur, District - Begusarai

18. Ramnandan Pandit son of Late Janak Pandit resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

19. Subodh Mahto Son of late Basudeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

20. Prem Lal Mahto son of Late Basudeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

21. Ramakant Mahto son of Late Basudeo Mahto resident of village - Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

2. The Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

3. The District Magistrate - cum - Collector, Begusarai

4. Additional Collector, Begusarai

5. District Land Acquisition Officer, Begusarai

6. Additional District Land Acquisition Officer, Begusarai

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7657 of 2014

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1. Rameshwar Sharma son of Late Ram Bahadur Barhi resident of village & P.O. Muzaffara, P.S. Birpur, District - Begusarai

2. Sone Lal Sharma son of Late Ram Bahadur Barhi resident of village & P.O. Muzaffara, P.S. Birpur, District - Begusarai

3. Beena Devi Wife of Ramashish Sharma resident of village & P.O. Muzaffara, P.S. Birpur, District - Begusarai

4. Parwati Devi wife of Late Loha Singh resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

5. Ram Kripal Prasad Singh son of Late Sitaram Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

6. Rambadan Prasad Singh son of Late Sitaram Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

7. Haricharan Prasad Singh son of Late Rambharosh Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

8. Ramhit Mahto son of Late Rambharosh Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

9. Jai Jai Kumar son of Late Bishesar Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

10. Shambhu Kumar son of Late Bishesar Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

11. Jai Prakash Kumar son of Late Bishesar Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

12. Ram Pratap Kumar son of Late Bishesar Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

13. Shankar Mahto son of Late Moti Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

14. Ram Kripal Mahto son of Late Moti Mahto resident of village- Pakri, P.O.



Muzaffara, P.S. Birpur, District - Begusarai

15. Meghni Devi wife of Late Medni Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

16. Rambadan Mahto son of Late Natho Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

17. Rajkumar son of Late Punindar Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

18. Kushma Devi daughter of Late Pyare Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

19. Janki Devi wife of Late Sitaram Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

20. Jaddu Mahto son of Late Tiyai Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

21. Ramswarath Mahto son of Late Tiyai Mahto resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

22. Rambilash Mahto son of Late Sone Lal resident of village- Pakri, P.O. Muzaffara, P.S. Birpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

2. The Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

3. The District Magistrate - cum - Collector, Begusarai

4. Additional Collector, Begusarai

5. District Land Acquisition Officer, Begusarai

6. Additional District Land Acquisition Officer, Begusarai

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7663 of 2014

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1. Uma Kant Chourasia son of Late Sitaram Barai resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

2. Sri Lal Chourasia son of Late Sitaram Barai resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

3. Jogi Chourasia son of Late Sitaram Barai resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

4. Ram Babu Prasad Singh son of Late Lakhan Singh resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

5. Natho Chourasia son of Late Dhanik Mahto resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

6. Nageshwar Chourasia son of Late Awadhi Mahto resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

7. Prabhu Chourasia son of Late Awadhi Mahto resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

8. Ram Kumar Chourasia son of Late Shankar Mahto resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

9. Hari Lal Chourasia son of Late Newalal Mahto resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

10. Ram Das Sah Son of Late BHolal Sah resident of village - Birpur, P.O. & P.S.



Birpur, District - Begusarai

11. Brahmdeo Sah son of Ram Das Sah resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

12. Chandu Saudagar Sah son of Ram Das Sah resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

13. Dicember Sah son of Ram Das Sah resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

14. Naresh Sah son of Late Ishwar Sah resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

15. Laxmi Pandit son of Late Saukhi Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

16. Gore Lal Pandit son of Late Biranchi Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

17. Baidyanath Pandit son of Late Kallar Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

18. Raso Pandit son of Late Kallar Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

19. Aghori Pandit son of Late Sudhgi Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

20. Ramchandra Pandit son of Late Sudhgi Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

21. Ramawatar Pandit son of Late Jauhari Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

22. Saheb Pandit son of Late Jauhari Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

23. Godawari Devi wife of Late Sarjug Pandit resident of village - Birpur, P.O. & P.S. Birpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

2. The Principal Secretary, Revenue - cum - Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna

3. The District Magistrate - cum - Collector, Begusarai

4. Additional Collector, Begusarai

5. District Land Acquisition Officer, Begusarai

6. Additional District Land Acquisition Officer, Begusarai

.... Respondent/s

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Appearance :

(In CWJC No.6300 of 2014)

For the Petitioner/s : Mr. Ashish Giri

For the Respondent/s : Mr. S.D.Yadav, AAG-9
Mr.Nadim Seraj, GP-5

(In CWJC No.7463 of 2014)

For the Petitioner/s : Mr. Ashish Giri

For the Respondent/s : Mr. Anuj Kumar, AC to SC-12

(In CWJC No.7492 of 2014)

For the Petitioner/s : Mr. Ashish Giri

For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

(In CWJC No.7657 of 2014)

For the Petitioner/s : Mr. Ashish Giri



For the Respondent/s : Mr. Md. Obaidullah, AC to SC-10
(In CWJC No.7663 of 2014)
For the Petitioner/s : Mr. Ashish Giri
For the Respondent/s : Mr. Arvind Kumar Sinha, AC to SC-14

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 14-12-2016

Heard.

In all the above five writ petitions, the issues of facts and issues of law involved are almost common and identical; therefore, on the request of the parties, all the above five writ petitions have been heard together and are being disposed of by this common judgment.

The petitioners of all the above five writ petitions claim to be the owners of the lands in question, fully detailed in paragraph 6 of each of the writ petitions, which were subject matter of Land Acquisition Case No.78 of 1966-67 initiated by the competent authority of the present district of Begusarai, which was earlier part of Munger district, under the provisions of The Land Acquisition Act, 1894 (in short 'Act, 1894'). The grievances of the petitioners is that, though the aforesaid Land Acquisition Case No.78 of 1966-67 was initiated by the Collector under the Act, 1894 for acquisition of large area of the lands including the lands belonging to these petitioners for construction of a road, but an award under Section 11 of the Act, 1894 has not been prepared till date. Therefore, the petitioners have prayed that in view of non-preparation of an award under the provisions of the Act, 1894 a declaration may be made that the entire land acquisition proceeding in question has lapsed, or alternatively, the State Government and its functionaries may be directed to pay them compensation under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'Act, 2013').



All these matters were heard on different dates earlier. In all the writ petitions excepting one counter affidavits have been filed on behalf of the State of Bihar and its functionaries. However, in the counter affidavits filed on behalf of the respondents, it has nowhere been stated that the award has been prepared under the provisions of Section 11 of the Act, 1894. The only objection taken on behalf of the respondents is that the land acquisition case in question was initiated on the basis of the requisition made by the Road Construction Department, Government of Bihar, Patna, but the Road Construction Department has not been impleaded as party respondent in these writ petitions.

CWJC No.6300 of 2014 was heard at length on 13.07.2016. By the order dated 13.07.2016, the learned State counsel was directed to file a supplementary counter affidavit on behalf of the respondents, after noticing the features of the issues raised as also the issues involved therein that writ petitions. For better appreciation, the order dated 13.07.2016 passed in CWJC No.6300 of 2014 is reproduced herein below:-

“In the present proceeding filed under Article 226 of the Constitution of India, the admitted position is that the Land Acquisition Case No. 78 of 1966-67 was initiated for acquisition of lands of the petitioners, but till date neither the Award has been prepared nor the compensation has been paid to the petitioners. Therefore, under the mandate of Section 11A of The Land Acquisition Act, 1894, the whole land acquisition proceedings in question has lapsed. Now the only issue is regarding issuance of consequential directions. If the land acquisition proceeding in question has lapsed, then the petitioners may be entitled to receive back their possession over the lands in question, or alternatively, the State Government may pay them compensation under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



In above view of the matter, Mrs. Binita Singh, learned G.P. 31 appearing on behalf of the State authorities, prays for an adjournment of four weeks in order to obtain comprehensive instruction from the State authorities including respondents no. 2 and 3 and file a supplementary counter affidavit on behalf of the respondents.

Prayer for adjournment is allowed. Supplementary counter affidavit on behalf of the respondents must be filed within the aforesaid period of four weeks after service of its copy upon the learned counsel for the petitioners.

As agreed by the parties, list this matter on 17.08.2016 along with C.W.J.C. Nos. 7463 of 2014, 7492 of 2014, 7657 of 2014 and 7663 of 2014.

If the present order is not complied with, this Court will be compelled to direct the physical appearance of the respondent authorities for assisting the Court.

Mrs. Binita Singh, learned Government Pleader No. 31, shall communicate this order to all the respondents; particularly respondents no. 2, 3 and 5 so that the present order is complied with punctually in its letter and spirit.”

In the light of the aforesaid order, all the above writ petitions were heard together once again on 09.11.2016, when a plea was taken on behalf of the respondent State of Bihar and its functionaries that all efforts are being made for redressal of the valid grievances of the writ petitioners, and for that purpose, they prayed for an adjournment of one month, so that some concrete decisions are taken by the authorities concerned including the authorities of the Road Construction Department, Government of Bihar, Patna. For better appreciation, the order dated 09.11.2016 is also reproduced herein below:-

“Mr. Md. Nadim Seraj, the learned GP-5 appearing on behalf of the respondents in CWJC No.6300 of 2014 and other State counsel appearing on behalf of the respondents in other connected writ petitions are unanimous in their submissions that, in the light of the



order dated 13.07.2016 passed in CWJC No.6300 of 2014, the respondent authorities are making all efforts for redressal of the valid grievances of the writ petitioners. However, they jointly pray for an adjournment of one month, so that, in the meantime, some concrete decisions are taken by the respondent authorities as also the authorities of the other connected departments including the Road Construction Department, Government of Bihar, Patna for redressal of the valid grievances of the petitioners of all the writ petitions.

In view of the aforesaid prayer made by the learned State counsel appearing in all these writ petitions, all these matters are adjourned and are ordered to be listed after one month.

It is expected that, in the meantime, some final decision shall be taken by the authorities concerned and the decision so taken shall be brought on the record by way of supplementary counter affidavit filed on behalf of the respondents.

Mr. Md. Nadim Seraj, the learned GP-5 as also other State counsel appearing in other connected writ petitions shall communicate this order to the authorities concerned, so that the present matters are finally disposed of on the next date fixed.

It is clarified that on the next date fixed, the matters shall be taken up for their final disposal and no further adjournment shall be granted.”

All these matters have been listed once again today with an office note that supplementary counter affidavit has been filed on behalf of the respondents no. 3 and 5. However, the learned AAG-9 appearing on behalf of the respondents in this batch of writ petitions has not been able to show that any award has been prepared in the land acquisition case in question with respect to the lands belonging to the petitioners. Yet, he prayed for some more time for taking a final decision regarding the grievances of the petitioners.

In view of the points of law involved, indicated in the order dated 13.07.2016 as also 09.11.2016, reproduced above, this



Court is of the opinion that no useful purpose shall be served by keeping all these writ petitions pending any longer. Indisputably, the Land Acquisition Case No.78 of 1966-67 was initiated for acquisition of the lands belonging to the petitioners, besides the lands of other persons, for construction of a road. It is common case of the parties that possession over the lands in question was taken long long ago and even road has been constructed. It is also admitted case of the parties that an award has not been prepared till date under the provisions of the Act, 1894. Therefore, under the mandate of Section 11A of the Act, 1894, the whole land acquisition proceeding could have been set at naught, but the petitioners are essentially interested in receiving the adequate amount of compensation for the lands belonging to them. Hence, the only question is that whether the amount of compensation payable to the petitioners should be determined under the provisions of the Act, 1894 or Act, 2013. Section 24(1) (a) of the Act, 2013 would be relevant with respect to the issues involved in this batch of writ petitions, which is reproduced herein below:-

“24. Land acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases.-(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), -
(a) Where no award under Section 11 of the said Land Acquisition Act has been made, then, all the provisions of this Act relating to the determination of compensation shall apply.
.....
.....”

From plain reading of Section 24(1) (a) of the Act, 2013, it is apparent that where award has not been prepared under Section 11 of the Act, 1894, then all the provisions of the Act, 2013 shall be applicable for determination of the amount of compensation payable



to the land owners/interested persons. In view of the fact that the land acquisition proceeding was started under the provisions of the Act, 1894 and further in view of the fact that award has not been prepared under the said Act, now, amount of compensation payable to land owners/interested persons has to be determined by applying the provisions of the Act, 2013.

In the background of the above legal propositions enunciated and the factual matrices noticed above, all these writ petitions are disposed of with a direction to the respondent authorities including the Principal Secretary of the Road Construction Department, Government of Bihar, Patna to determine the compensation payable to the petitioners by applying the provisions of the Act, 2013 with respect to the lands belonging to them within a maximum period of four months and amount so determined must be paid to them without any unnecessary further delay.

All the writ petitions stand finally disposed of with the observations and directions made above. However, there shall be no order as to costs.

Arvind/-

(Birendra Prasad Verma, J)

AFR/NAFR	AFR
CAV DATE	
Uploading Date	17.12.2016
Transmission Date	

