

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22149 of 2013**

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1. Baijnath Singh Son of Late Gudari Rai, Resident of Village: Mundiari, P.O. Bishunpura (Mairwa), P.S. Mairwa, District: Siwan
  2. Bhrigunath Singh Son of Late Gudari Rai, Resident of Village: Mundiari, P.O. Bishunpura (Mairwa), P.S. Mairwa, District: Siwan
  3. Brij Kishore Singh Son of Late Suchit Rai, Resident of Village: Mundiari, P.O. Bishunpura (Mairwa), P.S. Mairwa, District: Siwan
  4. Most. Prabhawati Kuer Wife of Late Kashi Nath Singh, Resident of Village: Mundiari, P.O. Bishunpura (Mairwa), P.S. Mairwa, District: Siwan

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan
3. The District Land Acquisition Officer, Siwan
4. The Executive Engineer, Rsvy Project Division, Central Public Works Department, South Pranjal Apartment, West Boaring Canal Road, Patna
5. The Circle Officer, Miarwa Block, Siwan
6. Circle Inspector, Mairwa Block, Siwan

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mrs. Rekha Prasad  
Mr. Shivendra Shankar  
For the Respondent/s : Md. Harun Quareshi, AC to SC-18

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

5      28-06-2016

Heard the parties.

The petitioners have filed the present writ petition seeking a direction to the respondent no.4 for payment of compensation to the petitioners for acquisition of the lands in question belonging to them, fully detailed in paragraph-4 of the writ petition. Though, no specific averment has been made in the writ petition, but the learned counsel appearing on behalf of the petitioners submits that no award has been prepared under the provisions of the Land Acquisition Act, 1894 ( In short Act 1894) for acquiring the lands in question.

In the present case, a counter-affidavit has been filed on

behalf of the respondent no. 2, 3 and 5, wherein though right, title and possession of the petitioners over the lands in question has been disputed, but it has specifically been averred in paragraph-8 that in view of coming into force of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short Act, 2013), earlier proceeding initiated under the provisions of the Act 1894 shall not proceed. It has further been stated in paragraph-9 of the counter-affidavit that a fresh land acquisition proceeding shall be started only after fresh requisition is being made by the respondent Executive Engineer, Road Construction Division, Siwan.

In view of the averments made in the aforesaid counter-affidavit that the old land acquisition proceeding under Act, 1894 has come to an end and fresh land acquisition proceeding under the provisions of the new Act, 2013, is yet to be started, the cause of action does not survive and the present writ petition has become infructuous. It is accordingly, dismissed.

However, if fresh land acquisition proceeding is started under the provisions of the Act, 2013 with respect to the land in question, then the petitioners shall be at liberty to approach the authority concerned for grant of appropriate relief(s).

**(Birendra Prasad Verma, J)**

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