

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17085 of 2014**

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1. Raghunath Singh Son of Late Musafir Singh Resident of Village - Semara, P.S. Chiraiya, District - East Champaran.
  - 2.1. Khairun Nisha Wife of Late Md. Safiullah Residence of Village - Sagardina, P.S. Chiraiya, Dist. - East Champaran, Bihar.
  - 2.2. Mohammad Nisimullah, Son of Late Md. Safiullah Residence of Village - Sagardina, P.S. Chiraiya, Dist. - East Champaran, Bihar.
  - 2.3. Md. Shamimuddin, Son of Late Md. Safiullah Residence of Village - Sagardina, P.S. Chiraiya, Dist. - East Champaran, Bihar.
  - 2.4. Mohammad Motin Son of Late Md. Safiullah Residence of Village - Sagardina, P.S. Chiraiya, Dist. - East Champaran, Bihar.
  3. Bal Kishore Singh, son of Shri Hriday Narain Singh Resident of village - Semara, P.S. Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Land Acquisition Officer -Cum- Collector, East Champaran.
3. The Superintending Engineer, Tirhut Canal Circle, Motihari.
4. The Chief Engineer, Balmiki Nagar (Camp), Motihari.
5. The Executive Engineer, Dhaka Canal Renewal Division, Dhaka, East Champaran.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Binay Kant Mani Tripathi, Adv. |
| For the State        | : | Mr. Raghwanand, GA-11              |
|                      |   | Mr. Pratik Kumar, (AC to GA-11)    |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 18-09-2023**

Heard learned counsel for the petitioners and  
learned counsel for the State.

2. By virtue of filing the present writ petition, the  
petitioners seek to quash the order/ notice issued vide letter no.  
772 dated 09.08.2014 for settlement of the acquired land of the

petitioners which was left and utilized for public purposes in accordance with law, as mentioned under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act No. 30 of 2013] (hereinafter referred to as 'the Act of 2013').

3. Learned counsel for the petitioners submits that the land of the petitioners were acquired for the purpose of constructing the river turning points by virtue of the Land Acquisition Case No. 100 of 1981-82 and compensation were paid to all the petitioners.

4. Learned counsel for the petitioners further submits that all the lands were not utilized, only certain part of the land were utilized and still a large chunk of land are being kept in abeyance since, those lands are of no use now.

5. Learned counsel for the petitioners further submits that the petitioners become surprised to read the notice under which the Revenue Officials have decided to settle the land to the individuals. In this regard, the grievances of the petitioners are that the said land was acquired in the year, 1981-82 and with the span of time, the series of petitioners become landless or having a very small piece of land left with them.

6. Learned counsel for the petitioners further

submits that if the Government is going to settle the land, then the petitioners are interested that if the utilization of the land is now ended, therefore, the said acquired land may be returned back to them, in the light of Section 101 of the Act of 2013 which states as follows:

***“101. Return of unutilised land.— When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.***

*Explanation.—For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.”*

7. Learned counsel for the State on the other hand filed counter-affidavit and submits that the Government has postponed the settlement and as such, the said notice which is under challenge is of no value. Counsel also submits that the provision of the Act of 2013 is not at all applicable upon the

persons whose lands were acquired under the Land Acquisition Act, 1894 [Act No. 1 of 1894] (hereinafter referred to as 'the Act of 1894').

8. In this background, counsel for the petitioners submits that even, if it has been assumed that the land could not be returned to the petitioners, as per the new law because their lands were acquired by virtue of the Act of 1894. Counsel submits that many of the petitioners and other similarly situated persons whose lands were acquired, became the marginal farmers or became landless now a days and if Government wants to settle the said land to anyone, then their case may be taken into consideration.

9. In this background, the main prayer of the petitioners to set aside the said notice is now become infructuous. So far as the applicability of Section 101 of the Act of 2013 is concerned, the said provision is not applicable in the present case but so far as, the allotment of the said land by the Government is concerned, the Court is of the view that we are living in a democratic State, where State is a sovereign who used to do the act for the welfare of the public at large without any description, if as a policy, Government decides to distribute the land for a particular period of time upon taking revenue, this

Court has no objection for the same but the opportunity should be given to all concerned including the petitioners, if they have found that they became landless.

10. With this direction, the present writ application is hereby disposed of.

**(Dr. Anshuman, J.)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 22.09.2023 |
| Transmission Date | NA         |