

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4821 of 2018

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Mishri Yadav son of Late Rajnath Yadav, resident of Village- Lahladpur
Saidabad, Police Station- Rani Talab Kanpa, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-cum- Secretary, Land Reforms, Government of Bihar,
Patna.
3. The Secretary, Revenue and Land Reforms Department, Land Acquisition
Directorate, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Additional Collector, Patna.
7. The District Land Acquisition Officer, Patna.
8. The Special Land Acquisition Officer, Patna Flood Protection Project, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajib Ranjan Jha, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-08-2024

Heard the parties.

2. The petitioner by invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction upon the respondents to make payment of compensation at the revised rate in view of acquisition of the land under the provisions of Land Acquisition Act, 1894.

3. Learned Advocate for the petitioner contended that the land of the petitioner was acquired for construction of Dhana-Pareb Canal Extension. The process of acquisition of



land has been initiated in the year 2010 and the notification in this regard was issued on 04.02.2011. The award is said to have been prepared on 19.06.2012. The petitioner received the compensation amount and the possession was taken by the requisitioning authority.

4. Learned Advocate for the petitioner advertg to the aforesaid fact contended that the respondent authorities though have paid the compensation amount, but failed to consider that there were several trees on the land, in question, and for that, no compensation has been computed in award. It is also contended that the petitioner has been allowed compensation on a pre existing rate of land, than was required to the petitioner.

5. A counter affidavit has been filed on behalf of the respondents, wherein, a categorical averments has been made that the date on which Gazette Notification was made, the maximum value of the acquired land of Village – Lahladpur was Rs. 3,500/- per decimal. This was the rate mentioned in MVR of Bikaram Sub Registry Office for the year 2010-11. In view of the rate mentioned in MVR of Bikaram Sub Registry Office, the petitioner has been accorded the compensation. It is next contended that had the petitioner been any grievance with regard to the computation of award or has been prepared on



lesser rate prescribed, the petitioner had the remedy before the Collector under Section 18 of the Land Acquisition Act, 1894. It is further contended that the entire process of acquisition completed after payment of the award way back in the year 2012 itself, but the petitioner has approached this Court in the year 2018 and thus, the writ petition suffers from delay and latches.

6. Mr. Khan, learned Advocate for the State placed reliance upon a judgment of the Hon'ble Apex Court in the case of *Andhra Pradesh Industrial Infrastructure Corporation Limited Vs. Chinthamaneni Narasimha Rao and Ors.; (2012) 12 SCC 797*. Referring thereto, learned Advocate thus submitted that the Hon'ble Apex Court taking note of the fact that the validity of declaration under Section 6 challenged two years after its issuance and after possession of land had been taken, found there was gross delay in challenging the validity of acquisition proceeding, hence, there is no reason for interference. The Hon'ble Court finally held that if the land owners are aggrieved by the acquisition proceeding, they must challenge the same at least before an award is made and the possession of the land, in question, is taken by the government authorities.



7. It is next contended that the petitioner has been accorded compensation as per his entitlement by taking into consideration the existing MVR rate, which was prescribed at the time of issuance of notification.

8. Having heard the rival contention of the respective parties, this Court finds substance in the submissions advanced on behalf of the State. The entire acquisition proceeding came to an end when the petitioner received the award without any objection. The only remedy, available to the petitioner, in case he was not satisfied with the quantum and computation of the award, was under Section 18 of the Land Acquisition Act, 1894, but the same has not been availed, rather accepted the award. This Court is also of the opinion that the present writ suffers from gross delay and latches.

9. In view of the aforesaid facts, the writ petition sans any merit and fit to be dismissed.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
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