

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7930 of 2016

1. Prabhash Kumar Singh and Ors Son of Dhanraj Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
2. Mukesh Kumar Son of Mahendra Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
3. Arbind Singh Son of Late Dilip Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
4. Kirandev Singh Son of Late Yugal Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
5. Phulena Prasad Singh Son of Late Ram Anugrah Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
6. Krishna Nandan Singh Son of Ram Badan Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
7. Ram Krishna Singh Son of Late Rajkishore Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
8. Ramayan Singh Son of Late Siya Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
9. Indradeo Singh Son of Late Jyotendra Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
10. Ramanand Sharma Son of Late Jagtanand Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
11. Ram Suresh Singh Son of Late Ramashray Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
12. Ramchandra Singh Son of Late Siya Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
13. Upendra Singh Son of Late Parmanand Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
14. Anjani Kumar Singh Son of Late Mathura Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
15. Basuki Nath Singh Son of Late Geeta Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
16. Indradeo Singh Son of Late Isho Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
17. Maheshar Prasad Singh Son of Late Bhola Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
18. Mahendra Prasad Singh Son of Late Bhola Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
19. Mahesh Malakar Son of Late Basudeo Malakar resident of village - Mali Tola Bhawanapur, P.O. Muzaffara, P.S. Birpur, District - Begusarai
20. Ram Naresh Malakar Son of Late Ram Sagar Malakar resident of village - Mali Tola Bhawanapur, P.O. Muzaffara, P.S. Birpur, District - Begusarai



21. Subodh Malakar Son of Ram Bilash Malakar resident of village - Mali Tola Bhawanapur, P.O. Muzaffara, P.S. Birpur, District - Begusarai
22. Hira Lal Malakar Son of Ram Bilash Malakar resident of village - Mali Tola Bhawanapur, P.O. Muzaffara, P.S. Birpur, District - Begusarai
23. Shyam Sunder Choudhary Son of Late Parmeshar Choudhary resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
24. Gauri Shankar Choudhary Son of Late Parmeshar Choudhary resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
25. Manoj Choudhary Son of Late Parmeshar Choudhary resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
26. Sunil Choudhary Son of Late Parmeshar Choudhary resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
27. Rameshar Sharma Son of Late Ram Bahadur Sharma resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
28. Sone Lal Sharma Son of Late Ram Bahadur Sharma resident of village - Muzaffara, P.O. Muzaffara, P.S. Birpur, District - Begusarai
29. Beena Devi Wife of Ramashish Sharma resident of village - Muzaffara, 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), Govt. of Bihar, Patna
2. The Principal Secretary, Revenue - Cum - Land Reforms Department Land Acquisition Directorate , Govt. of Bihar, Patna
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna
4. The District Magistrate - Cum - Collector, Begusarai
5. Additional Collector, Begusarai
6. District Land Acquisition officer, Begusarai
7. Additional District Land Acquisition Officer, Begusarai
8. The Executive Engineer, Road Construction Department, Road Division, Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Mr. Sumit Kumar Jha, Advocate Ms. Riya Giri, Advocate
For the Respondent/s	:	Mr. Yogendra Pd. Sinha, AAG 7 Mr. Rajeev Kumar Sinha, AC to AAG 7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-01-2024 Heard learned counsel for the parties.



2. This writ application has been filed for the following reliefs:-

“i) To hold and declare the entire acquisition proceeding bearing Case No.13/84-85 for 1.3725 acre of land in village-Muzaffara, Thana No.443 District- Begusarai as instituted by the respondent State in relation to the properties of the petitioners concern to have been lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

ii) To hold and declare the entire acquisition proceeding bearing Case No.13/84-85 as instituted by the respondent State in relation to the properties of the petitioners concern to have been lapsed also in light of Section 11A of the Land Acquisition Act, 1894 as no award has been made upto now since passing of the notification of publication in the year 1985 and declaration in the year 1986.

iii) To hold and declare that in light of Section 17(3-A) of the Land Acquisition Act, 1894, taking of the possession of the property of the petitioners without tendering payment of 80 percentum of the compensation is illegal and therefore no possession in the eyes of law.

iv) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to provide the cost of acquisition as define under Section 3(i) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as the respondent State has already constructed the road on the acquired property of



the petitioners without making any award and without payment of any compensation thereafter.

- v) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to pass an award under the new Act on the basis of the current market value of the lands in question in light of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and compensate the petitioners accordingly.
- vi) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to also award solatium as per Section 30 of the new Act, interest @ 15% in light of Section 80 of the new Act read with Section 34 of the erstwhile Land Acquisition Act, 1894.
- vii) To any other relief or reliefs for which the petitioners is found to be entitled in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioners submits that the process of fresh proceeding has been initiated in present scenario of entire constructed road according to new rules the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 and sanctioning of estimate of compensation of land acquisition for the concerned land is in the process.

4. In light of the above submission made on behalf of the petitioners, respondents are directed to complete the process and



pay compensation to the petitioners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as early as possible.

5. With the aforesaid directions and observations, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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