

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7680 of 2016

1. Shambhu Nath Mahto and Ors son of Late Hira Mahto, resident of village- Muzaffra, Tola- Shiv Nagar, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
2. Balmiki Mahto, son of Late Jagannath Mahto, resident of village- Muzaffra, Tola- Shiv Nagar, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
3. Bishundeo Mahto, Son of Late Dhan Raj Mahto, resident of village- Muzaffra, Tola- Shiv Nagar, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
4. Karam Chand Mahto, son of Rambali Mahto, resident of village- Muzaffra, Tola- Shiv Nagar, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
5. Rabindra Prasad Singh Sonof Late Gita Prasad Singh resident of village- Dih Per, P.O.- Dih Per, P.S.- Birpur, District- Begusarai
6. Saudagar Sharma son of Late Ram Swarup Sharma, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
7. Ram Sagar Sharma son of Late Kesho Sharma, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
8. Rambilas Sharma son of Late Sukhdeo Sharma, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
9. Umesh Sharma son of Late Modi Sharma, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
10. Nunu Lal Sharma son of Late Babu Lal Sharma resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
11. Rajendra Sah son of Late Kesho Sah, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
12. Tun Tun Sharma son of Late Ramotar Sharma resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
13. Ramdeo Sharma son of Late Shankar Sharma, resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
14. Sone Lal Sharma son of Late Kusheshwa Sharma resident of village- Muzaffra, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
15. Bablu Choudhry Son of Late Hareram Choudhry, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
16. Kundan Choudhry son of Upendra Choudhry, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
17. Suresh Choudhry, son of Late Kailu Choudhry, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
18. Permashwar Choudhry son of Late Baldeo Choudhry, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
19. Sushila Devi wife of Late Narayan Choudhry, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
20. Rajendra Sharma son of Late Baso Sharma, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai



21. Sumit Kumar Sharma son of Ram Pravesh Sharma, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
22. Laddu Lal Sharma son of Late Giro Sharma, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai
23. Dai Rani Devi wife of Late Prabhu Sharma, resident of village- Muzaffra, Mali Tola, P.O.- Muzaffra, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue-cum-Land Reforms Department Land Acquisition Directorate, Governm
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

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Mr. Sunil Kumar Jha, Advocate Ms. Riya Giri, Advocate Mr. Ravi Bhushan Bharat, Advocate
For the Respondent/s	:	Mr. Vinay Kumar Mishra, A.C. to A.A.G.-15

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-02-2024 Heard Mr. Ashish Giri, learned Counsel for the petitioners and Mr. Vinay Kumar Mishra, learned A.C. to A.A.G.-15.

2. The present petition has been preferred 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(1) 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.

3. Though on 30.01.2024, the co-ordinate bench had directed the State to file counter affidavit, today on call, the same prayer has been made.

4. Mr. Giri, learned Counsel appearing on behalf of the petitioner submits that in the case relating to the same acquisition proceeding no. 13/84-85 of village-Muzaffra, Thana No.-443, Begusarai, some petitioners earlier appeared in CWJC No. 7930 of 2016 in which taking note of the submission of the learned Counsel for the petitioners that the process of fresh proceeding has been initiated and sanctioning of estimate of compensation of land acquisition for the concerned land is also in progress, the writ petition was disposed of directing the respondents to complete the process at an earliest.

5. A copy of the order was provided by Mr. Giri to the learned State Counsel who after perusal submits that the matter relates to the same acquisition proceeding.



6. In that view of the matter and considering the fact that a co-ordinate bench has already directed the respondents to expedite the process under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (henceforth for short 'the 2013 Act'), this Court also follows the same route.

7. The writ petition accordingly stands disposed of with a direction to the respondents to act in accordance with 'the 2013 Act' in line with the earlier order dated 16.01.2024 passed in CWJC No. 7930 of 2016.

8. The CWJC No. 7680 of 2016 stands disposed of.

(Rajiv Roy, J)

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