

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7717 of 2016

1. Mukesh Kumar Son of Mahendra Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
2. Pravas Kumar Singh Son of Dhanraj Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
3. Ramayan Singh Son of Late Siya Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
4. Ram Krishn Singh Son of Late Raj Kishore Prasad 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. Ram Suresh Singh Son of Late Ramashray Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
7. Ramanand Sharma Son of Late Jagtanand Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
8. Indradeo Singh Son of Late Isho Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
9. Anjani Kumar Singh Son of Late Mathura Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
10. Upendra Singh Son of Late Parmanand Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
11. Kiran Deo Singh Son of Late Yugal Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
12. Vijaya Kumar Singh Son of Late Satrugan Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
13. Raj Kumar Singh Son of Late Satrugan Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
14. Ram Pravesh Singh Son of Late Chandrashekhar Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
15. Ram Bharosh Singh Son of Late Gita Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
16. Udaya Singh Son of Late Nanu Babu Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
17. Dineshwar Prasad Singh Son of Late Parmanand Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
18. Ram Sagar Singh Son of Late Brahmdeo Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
19. Rajeev Kumar Singh Son of Late Mathura Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
20. Ram Sundar Singh Son of Late Brahmdeo Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai



21. Lilawati Devi Wife of Late Ram Ballav Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
22. Birendra Prasad Singh Son of Late Ram Jatan Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
23. Amit Kumar Singh Son of Late Ajaya Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
24. Pandaw Prasad Singh Son of Late Bhago Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
25. Chandrachur Prasad Singh Son of Late Durga Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
26. Mohan Singh Son of Late Durga Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
27. Jagannath Prasad Singh Son of Late Ramjee Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
28. Pramod Pandit Son of Anandi Pandit resident of village - Muzaffra Mali Tola, P.O. Muzaffra, P.S. Birpur, District - Begusarai
29. Suman Devi Son of Late Subhkant Jha resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
30. Maheshwar Prasad Singh Son of Late Bhola Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
31. Mahendra Prasad Singh Son of Late Bhola Prasad Singh resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
32. Jagdish Pandit Son of Late Ramotar Pandit resident of village - Muzaffra, P.O. Muzaffra, P.S. Birpur, District - Begusarai
33. Ugandeo Nishad Son of Iso Nishad resident of village - Dih Per, P.O. Dih Per, P.S. Birpur, District - Begusarai
34. Arvind Sahani Son of Late Ram Snahi Sahani resident of village - Malah Dih, P.O. Dih Per, P.S. Birpur, District - Begusarai
35. Ganesh Sah Son of Late Kamo Sah resident of village - Mali Tola, P.O. Muzaffra, P.S. Birpur, District - Begusarai
36. Ram Sujan Sah Son of Late Amrit Sah resident of village - Mali Tola, P.O. Muzaffra, P.S. Birpur, District - Begusarai
37. Rinku Devi Wife of Ranjan Sah resident of village - Mali Tola, P.O. Muzaffra, P.S. Birpur, District - Begusarai
38. Rani Devi Wife of Pankaj Sah resident of village - Mali Tola, P.O. Muzaffra, P.S. Birpur, District - Begusarai
39. Pana Lal Sahani Son of Late Buthi Sahani resident of village - Malah Dih, P.O. Dih Per, P.S. Birpur, District - Begusarai
40. Mukti Sahani Son of Late Shiv Deo Sahani resident of village - Malah Dih, P.O. Dih Per, P.S. Birpur, District - Begusarai
41. Sushila Devi Wife of Haribansh Sahani resident of village - Malah Dih, P.O. Dih Per, P.S. Birpur, District - Begusarai
42. Mangal Sahani Son of Late Ram Sevak Sahani resident of village - Malah



Dih, P.O. Dih Per, 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), Government of Bihar, Patna.
2. The Principal Secretary, Revenue - Cum - Land Reforms Department Land Acquisition Directorate , Government 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 null null
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 Petitioners	:	Mr. Ashish Giri, Advocate Mr. Sumit Kr. Jha, Advocate Ms. Riya Giri, Advocate Mr. Ravi Bhushan Bharat, Advocate Mr. Bivutosh Kr., Advocate
For the State	:	Mr. Sarvesh Kr. Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 09-01-2024 1. Heard learned counsels 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.15/84-85 for 3.7265 acre of land in village-Dih Per, Thana No.424 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 the entire acquisition proceeding bearing Case No.15/84-85 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. A counter-affidavit has been filed in this case on behalf of the Executive Engineer, Road Construction Department, Road Division, Begusarai (Respondent No. 8). Paragraph Nos. 7 & 8 of the said counter-affidavit reads as follows:-

“7. That due to enquiry survey and other long process, the old project lapsed. Now, again a process proceeding has been initiated of entire constructed road according to new rules the Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013.

8. That the respondent further submits that after measurement of the constructed road and completion of the others formalities, the requisition for payment of the compensation to the concerned land lords will be sent as soon to the respondent No. 6 and the required funds will be also made available to the concerned department for making payment. ”

4. Learned counsel appearing on behalf of the



petitioners requests for disposal of the present writ application in light of the statements made in Paragraph Nos. 7 & 8 of the counter-affidavit filed on behalf of the Executive Engineer, Road Construction Department, Road Division, Begusarai (Respondent No. 8).

5. In light of the above statement made in paragraph Nos. 7 & 8 of the counter-affidavit filed on behalf of the Executive Engineer, Road Construction Department, Road Division, Begusarai (Respondent No. 8), 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.

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

(Prabhat Kumar Singh, J)

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