

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3051 of 2016

1. Doman Mahto son of Late Ramawtar Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
2. Guddu Kumar son of Late Suresh Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
3. Brahmdev Mahto son of Late Rajaram Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
4. Siyaram Mahto, son of Late Dewan Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
5. Rambali Mahto, son of Late Chandradeo Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
6. Shankar Mahto, son of Late Chandradeo Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
7. Hareram Mahto, son of Late Chandradeo Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
8. Rakesh Kumar, son of Bilesar Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
9. Rajkumar Mahto, son of Kamaldeo Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
10. Saudnagar Mahto, son of Kamaldeo Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
11. Ajit Mahto, son of Ramnath Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
12. Ram Ratan Mahto, son of Late Manchit Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
13. Indradeo Choudhary, son of Late Sitaram Choudhary, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
14. Meghni Devi, wife of Birendra Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
15. Birendra Mahto, son of Late Raghunandan Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
16. Narsingh Mahto, son of Late Aghnu Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
17. Rambalak Mahto, son of Late Aghnu Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
18. Dinesh Sah son of Late Ramnarayan Sah, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
19. Ram Sagar Mahto, son of Late Ramji Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
20. Sattan Sah son of Late Ramji Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.



21. Ram Prakash Sah, son of Late Pyare Sah, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
22. Ramudgar Sah son of Late Pyare Sah, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
23. Chandan Sah, son of Late Muso Sah, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
24. Mahendra Sah, son of Late Ramkishun Sah, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
25. Harihar Mahto, son of Late Biltu Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
26. Sahdev Mahto, son of Late Raghuni Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
27. Ramchandra Mahto, son of Late Jharula MAhto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
28. Shankar Mahto, son of Late Moti Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
29. Chanchal Kumar Mahto, son of Late Chandra Bhusan Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
30. Rambalak Thakur, son of Late Natho Thakur, resident of Village- Birpur Purwari Tola, P.O. and 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
3. The District Magistrate-cum-Collector, Begusarai.
4. Additional Collector, Begusarai.
5. District Land Acquisition Officer, Begusarai.
6. Additional District Land Acquisition Officer, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashish Giri, Adv.
For the Respondent/s : Mr. S.D. Yadav, AAG9
Mr. Anil Kr. Verma, AC to AAG9

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT**

Date : 13-08-2024

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.14/84-85 for 1.8865 acre of land in village-Birpur, Thana No.435 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.14/84-85 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 1987.

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 for the petitioners submits that in the year 1968, the State took a decision for construction of road from Begusarai to Birpur Sanjat in the district of Begusarai and, accordingly, Gazette notification for acquisition of land for the aforesaid purpose was made vide Notification No. 285 dated 10.05.1985. Thereafter, in view of the aforesaid notification, the lands of the petitioners were acquired. Learned counsel for the petitioners further submits that though under the provisions of the Act, 1894 specially Section 11-A, the award was to be made



within a period of two years from the date of publication of declaration but, till date, i.e. even after lapse of approximately 47 years, neither any award has been made nor any compensation paid to the petitioners.

4. Learned counsel for the petitioners then submits that the present case is entirely covered by the orders both dated 09.01.2024 passed by a Co-ordinate Bench of this Court in C.W.J.C. Nos. 7705 of 2016 and 7717 of 2016 respectively and the present case may also be disposed of in the same terms.

5. A counter-affidavit has been filed in this case on behalf of the Respondent Nos. 3 to 6. Paragraph Nos. 5, 6 & 8 of the said counter-affidavit, being relevant, read as follows:-

“5) That in this connection it is important to mention here that a land acquisition proceeding 79/66-67 was started by the respondents for the acquisition of the land of petitioners and declaration was published but due to some mistake in the said declaration, this land acquisition officer sent a letter no.-806 dated 24.09.1989 to the under secretary of Revenue and land Reforms department, Patna, for its correction, but the same was not corrected and in the mean time the said scheme lapsed due to coming in force of new Land Acquisition Amendment Act, 1984. That after several letters were sent by D.L.A.O., Begusarai to the requisitioning department there is no fresh requisition sent by the same up till now. Therefore the payment of compensation could not be made.



6) That at present the respondents have taken steps for acquiring the Land under provision of law, and the D.M. Begusarai has sent a letter no.124 dated 10.03.16 to the Principal Secretary, Road Construction Department, Patna for direction to the Executive Engineer, Road Construction department, Begusarai, to send fresh requisition. Hence this writ application is not maintainable and fit to be dismissed.

8) That the petitioners have themselves admitted that so many writ by different persons have been filed for the same reliefs and these writs are still pending before this Hon'ble Court, so in view of the above fact the petitioners are not entitled to any relief or reliefs as mentioned in sub para (i) to (Vii) of this para. It is further important to mention here that respondent No.3 has written letter No.124 dated-10.03.2016 to the Principal Secretary, Road Construction Dept. Bihar, Patna for a direction to the Executive Engineer, R.C.D. Begusarai for sending fresh requisition for acquisition of the lands of the petitioners, so that compensation be paid to the petitioners at the earliest.”

6. In light of the above statement made in paragraph Nos. 5, 6 & 8 of the counter-affidavit, the 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.

7. With the aforesaid directions and observations, this



writ application is disposed of.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024
Transmission Date	

