

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14741 of 2023

Abhay Shankar Thakur Son of Late Daya Shankar Sharma Resident of
Village-Sarna, P.S.-Kaati, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, District-Muzaffarpur.
3. The Additional Collector, District-Muzaffarpur.
4. The Circle Officer, Kati, District-Muzaffarpur.
5. The District Land Acquisition Officer, District-Muzaffarpur.
6. The Sub-Divisional Officer, Trihut Sub-Division, Motipur, District-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner	:	Ms. Ritika Rani, Advocate
	:	Mr. Dinu Kumar, Advocate
For the Respondents	:	Mr. Rishi Raj Sinha (SC19)
	:	Mr. Manoj Kumar Singha, AC to Sc 19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-02-2024 Heard Mr. Dinu Kumar, learned counsel for the
petitioner as also the learned State Counsel.

2. Learned counsel for the petitioner submits that as per Sections 24 and 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rule 20 of the Right to Fair (Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Development Plan) Rules, 2015, the acquired land if not utilized has to be returned to the original land owner. He submits that the land in question was



acquired in the year 1982, to be precise on 15.02.1982 for construction of building, remained unutilised till date and he was also paying the rent receipt to the Government.

3. Learned State counsel on the other hand has taken this Court to paragraphs 5 to 7 of the petition to show that the land in question was acquired and compensation amount also received by the ancestors of the petitioner and in that background, the reliefs sought for, cannot be granted. It is his further submission that though the building has not been constructed, the Government has plans to take up an appropriate construction work on the land so acquired. The petitioner cannot force that the same shall be used only for the purpose, for which it had acquired.

4. The Court has taken note of the Section 24 of 'the Act', in which it has been clearly stated the reason for which the land can be returned, Sub-section 2 reads as follows:

"(2). Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses,



shall initiate the proceeding of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act."

5. From the said section, it is clear that if the compensation amount has been paid, the acquisition proceedings shall not lapse.

6. As per the averments made by State counsel and not rebutted for the petitioner, the compensation amount has been received.

7. In that background, this Court does not deem it fit and proper to interfere with the acquisition proceedings particularly when the petitioner has approached this Court 40 years after the same was acquired in the year 1982.

8. The writ petition is dismissed.

(Rajiv Roy, J)

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