

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12072 of 2018

Pradeep Kumar Shah S/o Late Arjun Prasad Agrawal, C/o Krishna Kumar Shah, Village Kahalgaon, Near Hospital Road, P.S. Kahalgaon, District Bhagalpur, presently Residng at Flat No 2AB, Durga Vihar Residential Apartment, S.P. Verma Road, P.S. Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Land Acquisition Officer, Bhagalpur.
5. The Additional Director-cum-Special Land Acquisition Officer, Medium Irrigation Project, Bhagalpur
6. The Executive Engineer, Bateshwar Sthan Ganga Pump Nahar Project, Shivnarayanpur, Kahalgaon, Distri
7. Executive Engineer Ganga Pump Nahar Division, Kahalgaon, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha, Adv.
For the Respondent/s : Mr. Dhurjati Prasad, GP14.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 21-01-2025 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for directing the respondents the District Magistrate, Bhagalpur to produce the proceeding of the Land Acquisition No.27 of 1980-81 and after production of the same, prayer has been made to declare the said land acquisition to be lapsed in view of Section 24(2) of the Right to



Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Hereinafter referred to as 'RFCTLARR').

3. Counsel for the petitioner submits that from the information demanded under Right to Information Act, 2005 which is Annexure-8, it becomes crystal clear that there are two land which is Khata No.60 & 41, Survey Plot No. 239 & 238 are still not acquired and on the said land, the actual physical possession is with the petitioner at present and, therefore, his case has to be considered under section 24 of the New Land Acquisition Act.

4. Counsel for the State on the other hand submits that a counter-affidavit has been filed and he submits that in paragraph 11 of the said counter, it is the categorical stand of the State that the entire land which has been mentioned in the RTI, has been acquired, award of Rs.10,376.38 and additional award of Rs. 3058.78 was declared vide award No.11 in favour of Bhagawati Prasad Sah, son of Beni Ram.

5. Counsel for the State further submits that the said land acquisition proceeding was initiated in the year 1982 itself and award amount was directed to be paid upto 19.10.1982. He further submits that it has also been specifically pleaded in



paragraph 17 of the pleading that there is a typographical error under the RTI reply in which it has been shown that the land appertaining to Plot No.238 & 239 has not been acquired, is not correct. Actually, the Plot No.238 & 239 both were acquired.

6. Counsel further submits that under the Land Acquisition Proceeding, once the award has been issued and possession certificate has been handed over to the Requisitioned Department, then automatically the title has also been transferred and prove of the possession is the document, but the claim of the petitioner is that the actual physical possession which is going on, in the name of the petitioner, is basically misnomer and petitioner's counsel is not in a position to interpret the law in true spirit.

7. In the light of the submissions made by the parties, it becomes crystal clear that the information provided to the petitioner under the RTI Act, is basically a mistake which has been accepted by the State in the pleading. It also transpired that acquisition has been already made in the year 1982 and award has been prepared, but the compensation amount has been received by the ancestor of the petitioner. Therefore, in view of the Court, the petitioner whose land has been acquired in the year 1982 and he wants to reopen the entire matter of the year



1982 even after preparation of award which is not permissible in law, but he is entitled to receive compensation amount only. As such, the writ petition is dismissed with liberty granted to the petitioner that under the old acquisition proceeding read with the Saving Clause under section 114 of the new law, *i.e.*, RFCTLARR Act, 2013, he shall file his representation for payment of compensation amount kept in treasury, before the Collector/District Magistrate, Bhagalpur who shall pass order on representation demanding report from Land Acquisition Officer, Bhagalpur within 3 months from the date of receipt of representation.

8. With the aforesaid directions, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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