

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10794 of 2017

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Brijnandan Prasad Singh Son of late Ramchandrar Yadav, Resident of Village-
Sakaddi, P.S. Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar.
2. The Commissioner, Patna.
3. The Collector, Bhojpur at Ara.
4. The Addl. Collector, Bhojpur at Ara.
5. The Land Reform District, Bhojpur at Ara.
6. The District Land Acquisition Officer, Bhojpur at Ara.
7. The Sub-Div. Magistrate, Cum-Addl. Land Acquisition Bhojpur at Ara.
8. The Circle Officer, Koilwar Circle, Koilwar, District- Bhojpur.
9. The Circle Inspector, Koilwar Circle, Koilwar, District- Bhojpur.
10. The Halka Karmchhari, Koilwar Circle, Koilwar, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Advocate.
	:	Ms. Kahkashan Alam, Advocate.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-01-2025 Heard learned counsel for the parties.

2. In the instant petition, the petitioner has prayed for
the following reliefs:-

“i. For the quashing of entire land acquisition proceeding by which land is being acquired for state highway 81 (Sakaddi to Nasriganj) in non compliance of the provision under section 5A and section 9 in pursuant to section 4 & 9 of the Land Acquisition Act 1894 (hereinafter in short referred as L.A. Act, 1894).

ii. Further quashing of the said proceeding for non compliance of the provision of section '9' in pursuant to the declaration under section 6 as published on 28.02.2012 in daily news paper under L.A. Act, 1894.

iii. Further to declare that the land acquisition



proceeding initiated under L.A. Act 1894 is lapsed on the ground in terms of section 24 of the New Act 2013 as the Right to Fair compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013. (hereinafter in short referred as R.F. C.T. L.A. R.R. Act, 2013) and still till date physical possession of the land in question has not been taken nor the compensation has been paid to the petitioner by the respondent.

iv. To declare that quantum of award has been made under either old or new Act is invalid in non compliance of provision of L.A. Act, 1894.

v. After the quashing of entire acquisition proceeding, direction be given to the respondent Authorities to initiate the fresh proceeding for the land in question under RFCTLARR Act, 2013 or to calculate and to determine the quantum of Award for the land in question accordance with the provision laid down under sec. 26 to 30 of the new Act 2013 or w.e.f. 01.01.2014 to the petitioners as so he submitted representation earlier to the respondents.

vi. Any other relief/ reliefs be granted to the petitioner as so he is entitled in eye of law.”

3. After some arguments, learned counsel for the petitioner submits that present writ petition may be disposed of with liberty to the petitioner to file proper and detailed representation / application before the competent authority / Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), Patna.

4. Learned counsel for the respondent-State submits that the compensation amount has already been deposited with LARRA and he has no objection with the prayer of the petitioner for grant of liberty to raise his grievances before the LARRA / competent Authority.

5. In view of the submissions made on behalf of the



petitioner, the present writ petition stands disposed of with liberty to the petitioner to file proper and detailed representation / application before the competent authority / Land Acquisition, Rehabilitation and Resettlement Authority (LARRA), Patna for redressal of his grievance(s) within a period of six weeks from today.

6. On filing the said representation / application by the petitioner within the said period, the same shall be disposed of after hearing the parties in accordance with law, preferably within a period of six months from the date of filing of such representation / application.

7. With the aforesaid observations and directions, the present writ petition stands disposed of.

(Sunil Dutta Mishra, J)

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