

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17070 of 2016

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Rohan Yadav son of late Sudami Yadav, resident of Village- Iguna, P.S. Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya, Bihar.
3. The District Magistrate, Gaya, Bihar.
4. The District Land Acquisition Officer, Gaya, Bihar.
5. The District Sub-Registrar, Gaya, Bihar.
6. The Director General, Border Security Force, Ministry of Home Affairs, Government of India, New De

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Pd. Singh, Sr. Advocate
For the Respondent(BSF)	:	Mr.Anshay Bahadur Mathur(C.G.C)
For the State	:	Mrs. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2025 Heard Mr. Surendra Prasad Singh, learned Senior Counsel for the petitioner and learned counsel for the Central Government as also the State counsel.

2. The present petition has been preferred for the following relief/s:

(i) quashing the land acquisition proceedings in relation to the acquisition of 47.97 acres of land in which 1.05 acre of land of the petitioner situated in village Iguna, Thana no.310, Anchal Manpur, P.S.



Muffasil, District Gaya acquired pursuant to the notifications dated 19.8.2013 and 20.8.2013 published in the daily news paper "Prabhat Khabar" dated 31.8.2013 and 1.9.2013 respectively declaring the land in question needed for public purpose, namely construction of quarters for Border Security Force by invoking urgency clause under Section 17(4) of the land Acquisition Act, 1894 (Act 1 of 1894) as amended by Land Acquisition (Bihar Amendment) Act, 1960 (11 of 1961) and directing the State Government/authorities to make over the vacant possession of the land to the petitioner;.

(ii) quashing the Land Acquisition Proceedings in relation to the land of the petitioner acquired pursuant to the notification dated 19.08.2013 and declaration dated 20.8.2013 under the provisions of Land Acquisition Act 1894 (hereinafter referred to as the "1894 Act")



on account of the fact that the award in relation to the land of the petitioner under Section-11 of 1894 Act has not been made within a period of two years from the date of publication of the declaration as a result of which the entire proceedings for the acquisition of the land in question has lapsed by virtue of Section-11-A of 1894 Act;

(iii) directing the respondents to initiate a fresh proceeding, if they so desired, in respect of the land of the petitioner in terms of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ((30 of 2013) (hereinafter referred to as the "Act 30 of 2013") and to pay compensation in accordance with the said Act and further directing that even if it is deemed that award has been made, though in fact no award under Section 11 of 1894 Act has been made, the land acquisition proceedings have lapsed as far as the land of the petitioner is



*concerned since the respondent State has
neither paid the compensation nor even
determined the same in accordance with
Section-24 of Act 30 of 2013;*

*(iv) issuing any other
writ/writs/order/orders/ direction/directions
as may be deemed fit in the facts and
circumstances of this case..*

3. A counter affidavit has come on behalf of the District Land Acquisition Officer, Gaya according to which, pursuant to the disposal of the writ petition with a direction to pay compensation in accordance with New Land Acquisition Act, the Award has been revised and as such the matter has become infructuous.

4. In view of the said averment made in the counter affidavit not rebutted by the learned Senior Counsel for the petitioner, the time has come to rest the matter, the writ petition is disposed of.

(Rajiv Roy, J)

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