

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8554 of 2018

Shri Mukesh Kumar Sinha Son of Late Brijmohan Prasad, Resident of Mohalla M.I.G. 137, Shahid Bhagat Singh Colony, Bazar Samitte Road, Mustafabad, P.S.- Rampur, Town and District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Magadh Division, Gaya, Bihar.
3. The District Collector, Gaya, Bihar.
4. The District Land Acquisition Officer, Gaya, Bihar. null null
5. The District Sub-Registrar, Gaya, Bihar.
6. The Director General, Border Security Force, Ministry of Home Affairs, Government of India, New Delhi-62

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan
For the Respondent/s : Mr.S.C. Yadav- Gp15

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 03-01-2025

On 12.12.2024, the following order was passed:-

In the instant petition, petitioner has prayed for the following relief(s):-

(i) For issuance of an appropriate writ in the nature of writ of mandamus to quash the acquisition proceeding in respect of 47.97 acres of land in which 6.24 decimal (2720 sq.ft.) of land of the petitioner situated in village iguna Thana No.- 310, Anchal Manpur, P.S.-Muffasil, District- Gaya bearing Khata No.-29, Plot No. 85, Block-G 1360 Sq.ft. and Block-H, 1360 Sq.ft. (Total 2720 Sq.ft.) was acquired in vide notification dated 19.08.2013 and 20.08.2013 published in the daily newspaper "Prabhat Khabar" dated



31.08.2013 and 01.09.2013 respectively declaring the land in question needed for public purpose i.e. construction of quarters for Border security force and invoking urgency clauses under section 17(1) and 17(4) of the Land Acquisition Act 1894 (Act of 1894) as amended by land acquisition (Bihar Amendment) Act 1960 11 of (1961) and directing the government/ authorities to make over the vacant possession of the land of the petitioner.

(ii) For issuance of an appropriate writ in nature of mandamus to quash the notice bearing no date by which the collector Gaya (Respondent no. 3) tendered compensation of a sum of Rs. 88694 (Eighty eight thousand six hundred ninety four) to the petitioner for 6.24 decimal of his land acquired under 1894 Act.

(iii) For issuance of an appropriate writ in the nature of mandamus to quash the acquisition process under the notification dated 19.08.2013 and declaration dated 20.08.2013 in relation to the land of the petitioner mentioned above according to the provisions of 1894 Act. Despite this fact the said Act has been repealed and instead of that a Fresh Act "The Right to fair compensation and transparency in Land Acquisition Rehabilitation and resettlement Act, 2013, which has been already enforced from the 1st Day of January, 2014 as the said



award under section 11 of 1894 Act was not prepared before the enforcement of the Act of 2013.

(iv) For issuance of a direction upon the respondents to initiate a fresh proceeding, according to the provisions of the Act of 2013 and to pay compensation as provided by the New Act. this Award has been made u/s 11 of Act 1894. While it is deemed that award has been made. Up till now no compensation in respect of Most of land holdings has been deposited in the account of the land owners, then all the beneficiaries including the petitioner shall be paid compensation according to the provision of u/s 24 of New Act of 2013, because they are entitled to get compensation in accordance with the said Act.

(v) For issuance of an appropriate writ in the nature of mandamus commanding upon the respondents authority to do not change the physical features of the petitioner land.

(vi) For issuance of an appropriate writ including a writ in the nature of writ of mandamus, directing /commanding the respondents to pay the compensations to the petitioner in respect of the land residential/ commercial nature not for in respect of the land of ordinary agricultural land in nature.

(vii) For issuance of an appropriate writ including a writ in the nature of writ of mandamus directing/commanding the



respondents to provide the petitioner the facility of annuity or employment and other privilege like subsistence allowance, training and skill development, miscellaneous amounts, one time financial assistance rehabilitation and resettlement facility, as provided by the land acquisition Act, 2013.

(viii) For issuance of an appropriate writ including a writ in the nature of writ of mandamus to pay all such sums of money with interest of 18% per annum due to delay and illegality made by the respondents.

(ix) For issuance of any other appropriate writ(s) order(s) as may be deemed fit and proper in the facts and circumstances of the case.

2. From the relief portion itself it is evident that 6.24 decimal land of petitioner situated in village Iguna Thana No.- 310, Anchal Manpur, P.S.- Muffasil, District- Gaya bearing Khata No.-29, Plot No. 85, Block-G 1360 Sq.ft. and Block-H, 1360 Sq.ft. (Total 2720 Sq.ft.) was acquired vide notification dated 19.08.2013 and 20.08.2013 for public purpose i.e. construction of quarters for Border Security Force but petitioner is aggrieved by virtue of classification of land as land in question has been declared as agricultural land and petitioner has grievance that his land was used for residential purpose or commercial purpose as land in question is on prime location.

3. Counter affidavit has been filed on behalf of respondent no. 6 and it has been submitted by counsel for respondent no. 6 that acquired land of petitioner measuring 6.24 decimals in Village Iguna, Thana No. 310 Anchal-Manur, District-Gaya (Bihar) falls under the total acquired land, measuring 41.43 acres for which the respondent no. 6 has already made full payment of compensation



amounting to Rs. 26,27,89,548/- to respondent no. 4 (District Land Acquisition Officer, Gaya) in terms of RFCTLARR Act 2013 towards full and final payment to the petitioner and other Ex-land holders. Learned counsel further submitted that petitioner has admitted that a cheque of Rs. 1,84,779/- bearing cheque no. 087410 dated 22.11.2014 (Annexure-5) has been tendered to the petitioner as an amount of compensation that was accepted by the petitioner.

4. Counter affidavit has also been filed on behalf of respondent no. 3 and 4 and it has been submitted at para 18 that compensation amount has already been declared and intimated to the petitioner. If the petitioner was not satisfied with compensation determined by the respondents, he had a remedy to file a reference case under appropriate section of Land Acquisition Act within time.

5. No one appeared on behalf of the petitioner.

6. One opportunity is granted to the petitioner to address the matter on the next date of hearing.

7. Put up this matter on 19.12.2024.

8. If petitioner fails to appear on the next date of hearing, the matter would be decided with the available records for the reasons that the present matter is pending consideration for the last about six years.

2. Today also no one appeared on behalf of the petitioner.

3. Considering the facts and circumstances of the case, the writ petition stands disposed of with direction that if petitioner has any grievance, then he has to represent his grievance before appropriate forum within reasonable period of time.

(Alok Kumar Pandey, J)

vashudha/-

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