

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14822 of 2016

1. Laxmi Narayan and Ors
2. Shankar Prasad Yadav
3. Sanjay Kumar
4. Krishna Prasad Yadav
5. Kalika Singh All petitioner No. 1 to 5 are sons of Late Musan Gope @ Mushan Yadav resident of village - Gango Bigha, P.O. Rampur, P.S. Rampur, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Gaya
3. The District Land Acquisition Officer, Gaya
4. The Bihar State Housing Board through its Managing Director, 6, Sardar Patel Marg, Patna 800015
5. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna 800015
6. The Executive Engineer, Bihar State Housing Board, Anugrah Narayan Colony, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Subhash Prasad Singh-Ga3
For the Housing Board	:	Mr. Pawan Kumar, Advocate
	:	Mr. Utsav, Advocate
	:	Mr. Raghav Vats, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar State Housing Board, Patna.

2. The present petition has been preferred for following reliefs:

(i) For issuance of a writ of mandamus for direction to the respondents to release the land of the petitioners i.e. an area of 70 decimal under C.S. Khata No. 208



C.S. Plot No. 1082 situated at village-Bhatt Bigha, P.S. Rampur, Distt. Gaya under the provision of section 24 (2) of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" which has been said to be acquired by respondent no. 2 and 3 on the requisition of respondent no. 4 through notification no. 27/74/2325 dated 07.05.1975 but neither the physical possession of the land has been taken nor the compensation has been paid therefore the acquisition proceedings deemed to have lapsed, despite that the Govt. of Bihar has announced to sale/auction the said land which has been published in Hindi daily newspaper "Prabhat Khabar" dated 28.05.2016.

(ii) For issuance of a writ of mandamus for further direction to the respondents that in condition of failure to release the aforesaid land of the petitioners alternatively pay the compensation amount to the petitioners as per the present market rate by adopting the process of land acquisition under the provision of section 24(1) & (2) of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" prior to proposed sale/auction of the land of the petitioners as neither the physical possession of the land has been taken nor the compensation has been paid till now.

(iii) For issuance of a writ of mandamus for direction to the respondents to release the aforesaid land of the



petitioners as the purpose of acquisition has not been fulfilled up till now and by considering the fact that the land in question is the only residential land of the petitioners upon which they can be accommodated by constructing their houses.

(iv) For issuance of any other relief / reliefs which may deem fit and proper of the facts and circumstances of the case and for which the petitioners may entitle.

3. Learned counsel for the petitioners submits that they own piece of land at Gaya with following details i.e. C.S. Khata No.208 C.S. Plot No.1082 situated at village-Bhatt Bigha, P.S. Rampur, District-Gaya (70 decimal). Though, in the year 1975-76, pursuant to the Land Acquisition Case No. 14/1975-76, award was prepared, no compensation amount was paid and/or handed over to them and further no development has taken place on the land which is still in their possession.

4. Counter affidavit has come on behalf of the State as also the Housing Board.

5. The counter affidavit of the Housing Board shows that pursuant to the land acquisition process and preparation of award against the petitioners' family, the award amount has been deposited with the District Land Acquisition Officer under R.D. head.

6. From the aforesaid facts, few things are there:

(i) the petitioners own the land in question;



(ii) it was acquired pursuant to the land acquisition

proceeding in the year 1975;

(iii) no award amount was paid to the petitioners'

family;

(iv) the Board has not made any progress in the last

50 years;

(v) the land is still barren/unutilized;

7. In that background, it would be appropriate that the petitioners approach the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar (Respondent no.1) along with all the relevant documents who shall after hearing them as also the stake holders (the Bihar State Housing Board) shall pass an appropriate order.

8. The petitioners have to approach the concerned authority within four weeks and who shall be taking the matter and after hearing the parties shall be passing an appropriate order within six months after the petition is received in his/her office.

9. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

anand/-

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