

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14030 of 2016

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1. Tileshwar Chaudhary Son of Late Buttu Chaudhary
 2. Prameshwar Chaudhary Son of Late Buttu Chaudhary
 3. Ram Lakhan Chaudhary Son of Late Janki Chaudhary All residents of village - Nauranga, P.S. Moffasil, 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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Sr. Advocate
	:	Mr. Praveen Prakash, Advocate
For the Respondent/s	:	Mrs. Nutan Sahay, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-09-2025 Heard Mr. Surendra Kumar Singh, learned Senior

Counsel for the petitioners and Mrs. Nutan Sahay, learned AC to

AAG-12 representing the State.

2. The present petition has been preferred for the
grant of following relief(s):

*(i) quashing the land acquisition
proceedings in relation to the acquisition of
47.97 acres of land in which 3.06 acres of land
of the petitioners situated in village Iguna,
Thana no.310, Anchal Manpur, P.S. Muffasil,*



District Gaya was acquired pursuant to the notifications dated 19.08.2013 and 20.08.2013 published in the daily news paper "Prabhat Khabar" dated 31.08.2013 and 01.09.2013 respectively declaring the land in question needed for public purpose, namely construction of quarters for Border Security Force by invoking urgency clauses under Section 17(4) of the Land Acquisition Act, 1894 (Act I 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 20.08.2013 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 petitioners



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 respondent no. 3 and 4 according to which, the award has been prepared against the name of the petitioners, the payment details have been given (Annexure-A to the counter affidavit).

4. Learned State counsel submits that it is at the time of filing of the affidavit (in the year 2017), there is no further instructions whether the payment has been taken or the petitioners have moved against the said order before appropriate authority/Arbitrator/court.

5. Learned Senior Counsel submits that though counter affidavit has been received in the year 2017, rejoinder could not be filed as petitioners have not contacted.

6. In that background, accepting the version of the State that award has been prepared, if the petitioners have not received the same and/or received it and are still aggrieved, they can seek appropriate remedy before appropriate authority/court of law.



7. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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