

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13940 of 2016

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Bithal Yadav son of Late Karu Yadav, resident of Village- Iguna, P.S.
Muffasil, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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.Praveen Prakash
For the Respondent/s : Mr.Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-07-2025 Heard Mr. Surendra Kumar Singh, learned Senior

counsel for the petitioner as also Mr. Sajid Salimkaar, learned

SC-25.

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

*“(i) for 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*



19.8.2013 and 20.8.2013 published in the dally 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 19.8.2013 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 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. The counter affidavit on behalf of respondent no. 3 and 4 in paragraph no. 6 has recorded that the petitioner has received the compensation amount without any protest.

4. Learned senior counsel on the earlier occasion (25.06.2024) wanted time to verify the said averment made in the counter affidavit.



5. The matter has come up after one year and there is no rebuttal.

6. Learned senior counsel submits that liberty be granted to the petitioner that if still he has any grievance, he could agitate the matter.

7. Said liberty is always there with the litigants much less the petitioner.

8. In view of the fact that the averment made in the counter affidavit that the petitioner has received the amount without protest and has not been rebutted. In that background, treating the writ petition to be infructuous, disposed of.

(Rajiv Roy, J)

Ankit Kumar/-

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