

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17503 of 2016

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Nimisha Sahay wife of Vijay Shankar Resident of Mohalla - Navi Nagar near
Gobardhan Mandir, P.S. - Nawada, District Nawada.

... .. 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. Praveen Prakash, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2025 Heard Mr. Surendra Kumar Singh, learned Senior

Counsel for the petitioner and learned counsel representing the

State.

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

*“(i) for quashing the land acquisition
proceedings in relation to the acquisition of
47.97 acres of land in which 0.10 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 31.08.2013 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 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 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) for 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) for 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 and learned State counsel has taken this Court to paragraph no.17 to show that the petitioner has received the compensation amount.

4. This counter affidavit was filed in the year 2017 after service of copy to the office of learned Senior Counsel and there is no rebuttal.

5. In that background, learned Senior Counsel submits that liberty be granted to approach appropriate authority, if any such grievance still remains.

6. It goes without saying that if the grievance still persist, she can approach the appropriate authority.

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

(Rajiv Roy, J)

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