

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17433 of 2016

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Baliram Prasad Yadav son of Late Budha Yadav, resident of Mohalla Narayan Nagar, P.O. Buniyadganj, P.S. Muffasil, 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 De

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-08-2025 Heard Mr. Surendra Kumar Singh, learned Senior counsel for the petitioner, Mrs. Nutan Sahay, learned AC to AAG-12 as also Mrs. Punam Kumari Singh representing the Central Government.

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

“(I) quashing the land acquisition proceedings in relation to the acquisition of 47.97 acres of land in which 0.0375 decimal 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 31.8.2013 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 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) 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 nos. 3 and 4 annexing the award showing the name of the petitioner.

4. Learned Senior counsel for the petitioner submits that if grievance still remains, liberty be granted to approach the appropriate authority/forum.

5. The State as also the Central Government counsels have no objection to it.

6. In that background, the writ petition stands disposed of granting liberty to the petitioner to approach appropriate authority/forum if any grievance still remains.

(Rajiv Roy, J)

Adnan/-

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