

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17246 of 2016

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Sujit Kumar son of Shree Bhuneshwar Prasad, resident of Mohalla Lakhibagh, P.S. Muffasil, District-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Land Reforms and Revenue Department, Bihar, Patna
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 Delhi-62

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Prakash, Advocate
For the State	:	Mr. Ram Shankar Prasad, AC to GP-14
For the UOI	:	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2025 Heard Mr. Surendra Kumar Singh, learned Senior Counsel for the petitioner and learned AC to GP-14 as also learned representing the Union of India.

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 0.08 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 19.08.2013 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 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 19.08.2013 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 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. Since the State has failed to file counter affidavit, learned Senior Counsel for the petitioner submits that he shall be approaching the appropriate authority/competent court for the redressal of the grievance in next four weeks.

4. If such petition is preferred, the same be taken up and a reasoned order be passed at an earliest and in any case by 31.03.2026.

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

(Rajiv Roy, J)

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