

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17636 of 2016

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Wakil Paswan S/o Late Ram Chandra Paswan, Resident of Village- Chhotaki Masaurdhi, P.S.- Masaurdhi, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector D.M., Patna.
3. District Land Acquisition Officer, Patna.
4. The Union of India through the D.R.M. Divisional Railway Manager, Danapur Division, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Sandesh Roy
For the Respondent/s	:	Mr.Sajid Salim Khan-Sc25
For the State	:	S.C. 25
For UOI	:	Mr.Alok Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

10 21-01-2025 Heard the parties.

2. The present writ petition has filed by the petitioner
for following reliefs:-

(i) for mandamus direction to the respondents to pay the 4 times compensation amount to the petitioner with appropriate interest for acquired land through L.A. Case No. 13/06-07 with regard to

<i>Khata No.</i>	<i>Plot No.</i>	<i>Acquired area (in acre)</i>
24	532	0.07
164/7	613	0.18
164/7	615	0.30



the aforesaid land acquired from the petitioner who is the aware of the land.

(ii) for a mandamus direction to the of 12 Palm tree which are planted in the aforesaid acquired land whose each value is Rs. 10,000/-

(iii) for any other relief/reliefs of which the petitioner will entitled for.

3. It is an admitted fact that the land of the petitioner was acquired under the Land Acquisition Act, 1894 (hereinafter referred to as Act, 1894). The acquisition was made through L.A. Case No. 13 of 2006-07 dated 02.05.2006 but till date, the authorities have not paid a single farthing in lieu of compensation.

4. Learned counsel for the petitioner submits that according to proviso of sub-section 2 of Section 24 of new enactment i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'Act, 2013), the petitioner is entitled for the compensation under the new enactment.

5. The relevant portion of Section 24 of the Act 2013 is being extracted hereinbelow:-

“(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition



Act, 1894,-

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894(1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation



in accordance with the provisions of this Act.”

6. From bare perusal of proviso of sub-section 2 of Section 24, it is clear that if the acquisition was made under the old act i.e. Act, 1894 and the compensation is not deposited, the person whose land is acquired, is entitled to compensation under the new enactment.

7. The right of fair compensation under new enactment has been accrued to the petitioner.

8. Accordingly, the concerned authorities are directed to quantify the compensation in accordance with the new enactment i.e. Act, 2013 and pay it to the petitioner within a period of two months.

9. While quantifying the compensation, the things appertaining or attached to the land should be taken into account.

10. With these directions/observations, the writ petition stands disposed of.

(Nawneet Kumar Pandey, J)

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