

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3678 of 2016

1. Rabindra Thakur
2. Surendra Thakur @ Dhiraj Kumar, both sons of Late Rajeshwar Thakur, Resident of village- Saidpur, P.O.- Lagunia, P.S. and Block- Patori, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur
3. The Land Acquisition Officer, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2025 Heard the parties.

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

(I) For commanding and directing the respondents, to acquire the entire building and ensure full compensation to the Petitioners, for acquisition of their respective buildings, along with the land.

(II) For holding that, acquisition of only a part of the building, will render the said house useless, and not worth residing as well as dangerous for the Petitioners.



(III) For holding that, acquisition of a part of the house and to leave the rest part un-acquisitioned against the desire of the owner , is against the object of section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(IV) For holding that, Respondents are bound to acquire the entire building and to pay full compensation for the same as per the new provision.

(V) For also holding that, demolition of a part of the house, for construction of four land road, will render the rest part of the house, also useless as well as unsafe to reside.

(VI) For any other relief(s) for which the petitioner is found entitled in the eye of law.

3. The matter relates to construction of Tajpur-Bakhtiyarpur four lane in which the part of the buildings of the two petitioners have been acquired.

4. The award was prepared and the compensation have been received by the two petitioners. The grievance is that



while one of the petitioner was having building on 1900 square feet of which around 1344 square feet has been acquired whereas in other case, he was having a building on 1000 square feet of which 449.5 square feet has been acquired.

5. The contention is that now the structures is/are in such a condition that the same cannot be used by the parties for residential purposes. The prayer is that following section 94 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth for short 'the Act'), the respondents should consider and acquire rest of the structures and pay them appropriate compensation so that they are able to construct a building afresh at a different place.

6. **Section 94 of 'the Act'** read as follows:

“(1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the



meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case of any acquisition of



land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 24.”

7. The counter affidavit has been filed on behalf of the respondent no. 2 and 3 duly signed by the District Land Acquisition Officer, Samastipur and learned State counsel submits with the help of paragraph no.10 to show that while the petitioners have been fairly compensated, alongwith the representation, they did not submit any proof warranting further action.

8. Learned counsel for the petitioners submit that they shall be preferring a fresh petitions alongwith all the relevant documents before the respondent no.3, the District Land Acquisition Officer, Samastipur.

9. In the opinion of the Court, the prayer put forward by the petitioners is/are reasonable. The State on their part have given positive response that they have not come forward with proof alongwith representation. In that background, the



petitioners should prefer separate petitions alongwith all the supporting documents before the concerned respondents, who shall be taking steps, hear the sides including the stakeholders and take the matter to its logical conclusion.

10. The petitioners are required to file petition within next four weeks and if such petition is filed, the concerned authority is duty bound to take the matter to its logical conclusion preferably by 31st December, 2025.

11. The writ petition as also Interlocutory Application stands disposed of.

(Rajiv Roy, J)

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