

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16788 of 2016

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Savitri Devi wife of Late Lala Yadav resident of Village- Lguna, P.S.
Muffasil, District-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kr Singh, Sr. Advocate
For the Respondent/s	:	Mr. Dhurjati Kr Prasad, GP14
		Mr. Ram Shankar Prasad, AC to GP14
for the UOI	:	Mr. Awadhes Kr Pandey, Sr. CGC
		Mr. Ravinder Kr Sharma, CGC
		Mr. Lokesh, Advocate
		Mr. Abhishek Kr Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-09-2025 Heard Mr. Shailendra Kumar Singh, learned Senior

counsel for the petitioner and the State beside Union of Indian

Mr. Awadhash Kumar Pandey.

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

for issuance of appropriate
writ/writs order/orders or
direction/directions:-

*(1) quashing the land acquisition
proceedings in relation to the acquisition of
47.97 acres of land in which 0.52 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 31.8.2013 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.

(111) directing the respondents to initiate a fresh proceeding, If they so desired, 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. Finally a counter affidavit has come on behalf of respondent nos. 3 to 5 and the learned State counsel has taken



this Court to paragraph nos. 7 to 9 to show that the payments have already been made.

4. Learned Senior counsel submits that though nothing remains, if the petitioner is still have any grievance, he may be have some liberty.

5. Granting said liberty, the writ petition is disposed of.

(Rajiv Roy, J)

Raj Ranjan/-

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