

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16943 of 2016

=====

Bishun Prajapat son of Late Alakh Prajapat, resident of Nauranga, 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 Delhi

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Sr. Advocate
For the Respondent/s	:	Mr. Vivekanand Singh, AC to GP-18
For the BSF	:	Mr. Anshay Bahadur Mathur, CGC

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-08-2025 Heard Mr. Surendra Kumar Singh, learned Senior

counsel for the petitioner, Mr. Anshay Bahadur Mathur

representing the Central Government as also Mr. Vivekanand

Singh, learned AC to GP-18.

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 0.40% acre of land of the
petitioner situated in village Iguna, Thana no.310,*



Anchal Manpur, P.S. Muffasil, District Gaya was 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. The counter-affidavit of the Border Security Force (for brevity, ‘the BSF’), respondent no. 6 shows that the amount was transferred to the State exchequer.

4. Learned State counsel submits that to his knowledge, all the payments have been made.

5. Learned Senior counsel submits that liberty be granted that if the payment has not been made to the petitioner, he be seeking relief from appropriate authority.

6. The State as also the Central Government have no objection.

7. In that background, the writ petition is disposed of allowing the petitioner to approach the authority if the payment has still eluded him.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

