

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6131 of 2019

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Raj Kumar Singh Son of Late Bindu Singh R/o Village-Naya Tola, Karmopur,
P.S. Biddupur, District Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department,
Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Vaishali at Hajipur
3. The District Land Acquisition Officer Vaishali at Hajipur
4. The Anchaladhikari Biddupur, District Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amod Kumar Singh, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG4)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 01-05-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s :-

“a) For issuance of the writ in the nature of a
direction to the respondent no.2 and 3 to make
payment of compensation amount of Rs. 1,46,314.33/-
(one lac forty six thousand three hundred and fourteen
rupees and thirty three paise) for the land bearing
Khata No. 60, Khesra No.493 (Part), Area. 25250 Hec.
Which has already been acquired by the respondent
authorities under the project of Ganga River Six Lane
Green Field Bridge in N.H. Patna No. 30 to Kachchi
Dargah, NH. Path NO. 103 to connect Biddupur under



the Vaishali district, total length of 22.76 K.Ms.

b) For issuance of a writ in the nature of Mandamus, directing the respondent no.2 and 3 to pay the $\frac{1}{4}$ th share of total amount Rs.578878.67/- to the petitioner i.e. amounting to Rs.146314.33/-.

c) To grant any other consequential relief or relief/s for which petitioner is entitled to.”

3. Learned counsel for the petitioner submits that the petitioner received a notice dated 21.12.2016 (Annexure-1 to the writ petition) issued by the office of the Land Acquisition Officer, Vaishali, under Section 21(2) of the Bihar Land Acquisition Act, 2013 (Act No. 30 of 2013), indicating that the petitioner's land was subject to acquisition. Referring to the genealogy chart annexed as Annexure-3, it is submitted that the land in question was jointly owned, with half belonging to Tej Narayan Singh and the remaining half jointly owned by Bindu Singh and Singeshwar Singh. The petitioner, being the son of Bindu Singh, claims entitlement to a one-fourth ($\frac{1}{4}$) share in the acquired land. It is further submitted that a subsequent notice under Section 37(2) of the Act was issued, directing the petitioner to appear before the Land Acquisition Officer along with supporting documents, including the current rent receipt, khatian, and Land Possession Certificate. In compliance, the



petitioner submitted all the requisite documents along with an affidavit on 17.01.2017. The compensation for 80% of the total land was determined at Rs. 5,78,876.67.

4. Learned counsel further submits that the petitioner's rightful share in the compensation, as per his entitlement, amounts to Rs. 1,46,314/-. However, no payment has been made to him to date. Despite having issued a legal notice dated 18.11.2018 to the concerned authorities, no steps were taken to release the amount. Having been left with no alternative remedy, the petitioner has approached this Hon'ble Court seeking a direction to the respondent authorities for disbursement of compensation commensurate with his share.

5. *Per contra*, learned counsel for the State does not dispute that the petitioner's land was held jointly along with his co-parceners and the total compensation amount was assessed at Rs. 5,78,876.87 for 0.25250 acres of notified land. It is submitted, however, that after verification of the relevant records and land possession, 50% of the compensation, corresponding to 0.12624 acre, has already been disbursed to Shri Nawal Kishore Singh and Shri Braj Kishore Singh, both sons of Late Tej Narayan Singh. The authorities deemed this appropriate based on their respective shares. Subsequently, due



to a change in the project alignment, the requisitioning authority was informed that only 0.2000 acre of land from Kheshra No. 493 was ultimately acquired, and possession of the same was handed over for project implementation. The remaining land was exempted from acquisition. It is further submitted that the revised acquisition status was formally notified through a de-notification issued under Section 93(1) of the Act via Memo No. 255 dated 04.03.2025 (Annexure-A to the counter affidavit).

6. In this background, the question before this Court is whether the two co-sharers, who have received compensation from the State for land belonging to the joint family, could do so exclusively, particularly when the State has taken the stand that out of the total 0.25250 acre of land initially proposed for acquisition, only 0.02000 acre was ultimately acquired, and the remaining land was de-notified under Section 19(1) of the Bihar Land Acquisition Act, 2013. In such circumstances, the State cannot be held liable to disburse any further compensation to the petitioner for the de-notified portion. However, since the compensation already paid pertains to joint family property, and the petitioner continues to hold a valid share therein, he retains the right to claim his proportionate share from the co-sharers



who received the compensation without disclosing the joint nature of the ownership to the authorities.

7. Accordingly, the writ petition is disposed of with the direction that the petitioner may claim rights over the land measuring 0.23250 acre, which has been exempted from acquisition, as reflected in Annexure-A. In respect of the remaining 0.02000 acre of land, for which compensation has already been received by the co-sharers Shri Nawal Kishore Singh and Shri Braj Kishore Singh, the petitioner is granted liberty to initiate appropriate proceedings for recovery of his rightful share by instituting a suit before the competent Civil Court.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	08/05/2025
Transmission Date	NA

