

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8244 of 2021

1. Ramyati Kumari Wife of Sri Surya Kumar Singh Resident of Village - Barhog, P.S. - Bind, District- Nalanda.
2. Shyamyati Kumari Wife of Sri Rajiv Ranjan Sinha Resident of Village - Dhanawan Bigha, P.S. - Sarmera, District- Nalanda.
3. Shakuntala Devi Wife of Sri Mukund Murari Resident of Village and Post Lodipur, P.S. - Mehus, District- Shekhpura

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue Department, (Land Acquisition), Govt. of Bihar, Patna
2. Principal Secretary, Revenue Department (Land Acquisition) Govt. of Bihar, Patna
3. Director, Land Acquisition, Bihar, Patna
4. Commissioner Patna Division, Patna
5. District Magistrate, Nalanda at Bihar Sharif
6. District Land Acquisition Officer, Nalanda at Bihar Sharif
7. The Union of India Through Railway Ministry, Govt. of India
8. General Manager, Eastern Central Railway, Govt. of India.
9. Chief Engineer, Eastern Central Railway, Govt. of India, Danapur Division
10. Revenue Officer, Eastern Central Railway, Govt. of India

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Advocate Mr. Ritesh Kumar, Advocate Mr. Dharendra Kumar, Advocate
For the State	:	Mr. Asif Kalim, AC to AAG-12
For the Railway	:	Mr. Ram Tujabh Singh, C.G.C. Mr. Radhika Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 25-08-2025 The instant writ petition is filed by the petitioners, whose lands measuring 05 decimal was acquired by the State Government for construction of Daniyawan Barbigha Rail Line.

2. The petitioners have prayed for a direction upon the



State Authority to make payment of compensation as per the scheme laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter described as “2013 Act”).

3. It is submitted by the petitioners that they purchased in all 19 decimals of land by virtue of a registered deed of sale executed and registered on 05.12.2006. After purchase, the petitioners claimed to be in possession of the property in question, rent receipt was issued in the name of the petitioners on payment of rent (Annexure-2 of the writ petition). The Land Possession Certificate (Annexure-3 of the writ petition) was given to the petitioners by the Competent Authority on 05.01.2021.

4. Subsequently, the petitioners came to know from the Engineer of Central Eastern Railways being the requiring authority that 05 decimal of land out of the said 19 decimals of land was acquired by the State Government for setting up and construction of brought-gage railways between Daniyawan Barbigha Rail Line. The petitioners then submitted representation before the concerned Authority for compensation under the provisions of ‘2013 Act’.

5. When the representation of the petitioners were not



considered, they have filed the instant writ petition praying for appropriate relief.

6. The learned Advocate on behalf of the State-Respondents refers to Paragraph No.9 of the supplementary counter affidavit to state that in the instant case notification was issued in the year 2003 and land in question was acquired and delivered to the acquisitioning authority on 27.09.2006. Therefore, entire acquisition proceeding was completed before the 2013 Act coming into force. So the petitioners are not entitled to get any compensation under 2013 Act.

7. The petitioners in turn has filed a rejoinder to the said supplementary counter affidavit.

8. The learned Advocate on behalf of the petitioners refers me to Annexure-7 of the relevant Payment Register in lieu of acquisition land. It appears from the copy of the Payment Register (Annexure-7) that in respect of Survey Khatiyani No.109, Survey Plot No.285, measure about .05 decimal, compensation was calculated but not paid either to the vendors or to the petitioners by the concerned Authority.

9. Since, the entire process is completed, prior to coming into force of 2013 Act, the petitioners are entitled to get compensation in accordance with the provision contained in the



Land Acquisition Act, 1894. Section 18 of the Land Acquisition Act, 1894 runs thus:-

“18. Reference to Court.”-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collectors award, whichever period shall first expire.”

10. Thus, the petitioners or their vendor are given liberty to submit a reference under Section 18 of the 1894 Act before the Principal Judge of the District for payment of compensation. The petitioners are also at a liberty to raise the



issue in the proposed reference case about the quantum of compensation and interest, if any, they are entitled to get. The learned District Judge, Nalanda shall take all endeavor to dispose of the reference case within six months from the date of filing of the reference case considering the fact that no payment has been made till date in respect of the acquired land, though the same was acquired and delivered to the Acquiring Authority in the year 2006.

11. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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