

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3156 of 2016

1. Ranjeet Sah Son of Late Goverdhan Sah, resident of Village, P.O. and P.S. Birpur, District- Begusarai.
2. Ramnandan Singh, Son of Late Kamli Hazari, Resident of Village- Birpur (Purwari Tola), P.O. and P.S.- Birpur, District- Begusarai.
3. Lalan Choudhary, son of Shiv Shankar Choudhary, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
4. Bhola Singh, son of Late Bowe Lal Singh, resident of Village- Birpur Paschim Tola, P.O. and P.S.- Birpur, District- Begusarai.
5. Ramanand Singh, son of Late Bowe Lal Singh, resident of Village- Birpur Paschim Tola, P.O. and P.S.- Birpur, District- Begusarai.
6. Chanchal Kumar Mahto, son of Late Chandra Bhushan Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
7. Pankaj Jha, son of Late Dani Jha, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
8. Ram Sagar Yadav, son of Late Munna Yadav resident of Village- Birpur, P.O. and P.S.- Birpur, District- Begusarai.
9. Congress Yadav, son of Late Ramashish Yadav, resident of Village- Birpur, P.O. and P.S.- Birpur, District- Begusarai.
10. Rakesh Kumar, son of Bileshwar Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
11. Raj Kumar Mahto, son of Kamaldev Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
12. Ajit Mahto, son of Ram Narayan Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.
13. Natho Paswan, son of Late Ramkishan Paswan, resident of Village- Birpur, P.O. and P.S.- Birpur, District- Begusarai.
14. Arjun Rai, son of Late Kamli Rai resident of Village- Birpur, P.O. and P.S.- Birpur, District- Begusarai.
15. Birju Hajari, son of Late Bishundeo Hajari, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
16. Upendra Mahto, son of Late Bino Mahto, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
17. Jogi Mahto, son of Late Parmeshri Mahto resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
18. Dinesh Kumar Mahto, son of Late Ram Udgar Mahto resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
19. Ramsevak Mahto, son of Late Ram Udgar Mahto resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
20. Lakshmi Mahto, son of Late Lalu Mahto, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.



21. Mahendra Mahto, son of Late Lalu Mahto, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
22. Md. Nizam, son of Late Barkat Mian, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
23. Md. Nasim, son of Late Nayeem, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
24. Md. Arshad Ali, son of Late Maulana Ahiya, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
25. Md. Basir, son of Late Shaikh Bhaglu, resident of Village- Birpur Purwari Tola, P.O. and P.S.- Birpur, District- Begusarai.
26. Ram Kumar Mahto, son of Late Ram Sagar Mahto, resident of Village- Pakari, P.O. Muzaffara, P.S. Birpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue-cum- Land Reforms Department (Land Acquisition Directorate), Government of Bihar, Patna.
2. The Principal Secretary, Revenue-cum-Land Reforms Department Land Acquisition Directorate, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Begusarai.
4. Additional Collector, Begusarai.
5. District Land Acquisition Officer, Begusarai.
6. Additional District Land Acquisition Officer, Begusarai.
7. Executive Engineer, Road Construction Department, Road Division, Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Advocate Mr. Sumit Kr. Jha, Advocate
For the Respondent/s	:	Mr. AAG-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 09-12-2025 Heard Mr. Ashish Giri, learned Senior counsel for the petitioners and Mrs. Sunita Kumari Singh representing the State.

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

“(i) to hold and declare the entire



acquisition proceeding bearing Case No.78/66-67 as instituted by the respondent State in relation to the properties of the petitioners concern to have been lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

ii) to hold and declare the entire acquisition proceeding bearing Case No.78/66-67 as instituted by the respondent State in relation to the properties of the petitioners concern to have been lapsed also in light of Section 11A of the Land Acquisition Act, 1894 as no award has been made upto now since passing of the notification of publication and declaration in the year 1969 and 1972.

iii) to hold and declare that in light of Section 17(3-A) of the Land Acquisition Act, 1894, taking of the possession of the property of the petitioners without tendering payment of 80 percentum of the compensation is illegal and therefore no possession in the eyes of law,

iv) to issue an appropriate



writ/order/direction in the nature of Mandamus directing the respondent authorities to provide the cost of acquisition as define under Section 3(i) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 as the respondent State has already constructed the road on the acquired property of the petitioners without making any award and without payment of any compensation thereafter.

v) to issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to pass an award under the new Act on the basis of the current market value of the lands...

vi) to issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to also award solatium as per Section 30 of the new Act, interest @ 15% in light of Section 80 of the new Act read with Section 34 of the erstwhile Land Acquisition Act, 1894.

vii) to issue an appropriate writ/order/direction in the nature of Mandamus



directing the respondent authority to further award additional compensation of 75% of the total compensation as determined under Section 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as per Section 40(5) therein.

viii) to any other relief or reliefs for which the petitioners is found to be entitled in the facts and circumstances of the case.”

3. This Court can only observe that it is unfortunate that the orders of the Court are taken lightly. On 03.11.2025, the order in the paragraph nos. 5 and 6 had made it clear that the Executive Engineer, Road Construction Department, Road Division, Begusarai shall be filing affidavit positively by 04.12.2025 or shall be paying Rs. 5,000/- to the Patna High Court Legal Services Committee and shall also remain present in the Court on the next date of hearing.

4. Today, the office notes shows that neither the affidavit has come nor the receipt showing cost of Rs. 5,000/- has been deposited.

5. Learned State counsel, Mrs. Singh submits that the Executive Engineer put the reply on oath on 02.12.2025 itself but the office Clerk failed to locate the learned Senior counsel for the



petitioners and as such, the counter-affidavit remained in the office till today when the same has been served and the Clerk has thereafter gone to the Court's office for filing affidavit.

6. This is the state of affairs for which the Executive Engineer cannot be held responsible who filed the counter affidavit on 02.12.2025 itself. However, the Office Clerk, Mr. Sonu Kumar thereafter chose to keep the file with him. The name of Mr. Ashish Giri, learned Senior counsel is appearing as also the names of those assisting him in his office. He is appearing in the Court everyday and thus the *alibi* put forward by the office Clerk which has been narrated by the learned State counsel that from 2nd of December to 9th of December, he failed to locate him and/or those counsels assisting him in his office has to be rejected. Today, finally, he served the copy but till the passing of the order, no Court's file could be located.

7. In that background, a cost of Rs. 1,000/- is imposed upon the Clerk, namely Mr. Sonu Kumar which he shall be paying from his own pocket to the Advocate Association, Patna High Court by Friday (12.12.2025), failing which, an appropriate order shall be passed against him.

8. So far as the affidavit of the Executive Engineer is concerned, learned Senior counsel for the petitioner who has just received the copy has provided the same to the Court for perusal



and the paragraph-11 reads as follows:

“11. That view of report of Circle Officer, Birpur submitted vide letter no. 1767 dated 22.11.2025, revised acquisition has been sent to the District Magistrate, Begusarai vide letter no. 2206 dated 26.11.2025 in view of order passed in CWJC No. 3156 of 2016, Ranjeet Sah & others vs. State of Bihar & others for all the affected beneficiary under Birpur Anchal.”

9. He has further taken this Court to the letter dated 26.11.2025 addressed to the Collector, Begusarai wherein he has requested to do the needful for which he is ready to deposit the cost of acquisition including the Social Impact Assessment (SIA). Learned Senior counsel submits that only after the nudge by this Court on 03.11.2025, the respondents came out of deep slumber and are now taking steps.

10. In that background, when the process is still at the initial stage, this Court deems it appropriate that the writ petition is disposed of with the directions to all the respondents including the Collector, Begusarai and Executive Engineer, Road Division, Begusarai to take all necessary measures and see to it that the present case relating to the petitioner as also those similar situate aggrieved persons is/are taken to its logical conclusion. The



respondent shall be taking into account the order passed by the Coordinate Bench of this Court in CWJC No. 24062 of 2013 disposed of on 25.08.2014 (Annexure-8 series read with the modified order dated 02.09.2014) while taking the proceeding to its logical end.

11. The writ petition stands disposed of with aforesaid observation. This Court expects that the entire process shall be completed by 31st of December, 2026.

12. List this case under the heading 'To be Mentioned' on 16.12.2025 to peruse the payment receipt made by the office Clerk, Sonu Kumar.

(Rajiv Roy, J)

Adnan/-

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