

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8893 of 2024

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1. Gulab Choudhary Son of Late Videshi Choudhary, Resident of village- Ashthama, P.S.- Desna District- Nalanda.
 2. Raghunandan Choudhary, son of Late Videshi Choudhary, Resident of village- Ashthama, P.S.- Desna District- Nalanda. ... Petitioners

Versus

1. The Union of India through Secretary, Ministry of Railway, Government of India, New Delhi.
2. The Chief General Manager, Indian Railway, New Delhi.
3. The General Manager, East Central Railway, Hajipur, Bihar.
4. The Deputy General Manager, East Central Railway, Hajipur, Bihar.
5. The Chief Engineer, Construction, East Central Railway, Region, Nalanda.
6. The Deputy Chief Engineer, Construction, East Central Railway, Region, Nalanda.
7. The State of Bihar, through the Principal Secretary, Revenue, Land Reforms Department, Bihar Patna.
8. The Commissioner, Patna Division, Patna.
9. The District Magistrate, Nalanda, District Nalanda.
10. The Land Acquisition Officer, Nalanda, District- Nalanda.
11. The Circle Officer, Asthama Circle, Nalanda. ... Respondents

Appearance :

For the Petitioners : Mr.Satish Kumar Sinha, Adv.
For the Respondents : Mr.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 30-10-2025 Heard the parties.

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

(i) To hold that land of the petitioner being Khata No. 39, Plot No. 750, area 31.25 Desna decimal situated at Mauja Desna falling within Thana No.181 of Nalanda District has been acquired without initiating any proceeding against the petitioner.



(ii) To grant compensation to the petitioner with respect to his land bearing Khata No. 39, Plot 750 No. 750 acquired for Desna Barbiga Project as per provision contemplated under the Right to fair compensation transparency in land and Acquisition Rehabilitation and Resettlement Act 2013.

(iii) To pay compensation for harassing the petitioner from year 2010.”

3. It is a case of the petitioners that the petitioners are the owners and possessor of land bearing Khata No. 39, Plot No. 750, situated at Mauja Desna, Touzi No. 11162, Thana No. 181, district Nalanda, having an area of 31.25 decimals. That in respect of the land of the petitioners measuring 31.25 decimals the same has not been acquired till date and no award has been passed nor the physical possession of the land being taken over by the authorities. That the petitioners are in physical possession as on date.

4. Learned counsel for the petitioners submits that as per the provisions of the Land Acquisition Act more specifically Section 24 sub clause (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in case notification of the lands which



were sought to be acquired has being given under the old Land Acquisition Act, 1894, and where award has been passed under Section 11 of the Land Acquisition Act, 1894, and physical possession of the land has not been taken the entire proceeding under the old Act will lapse. That in case the authority choose to acquire the land they should do so only under the relevant Act. Counsel for the petitioner submits that in this case the acquisition was sought to be made was of the year 2006-07 and till date neither the award has been passed nor any compensation has been made nor the physical possession has been taken over by the authorities therefore the acquisition proceedings initiated under the old Act are liable to be quashed.

5. In the counter affidavit filed by the Respondent-Authorities the above fact has not been denied. In paragraph 8 of the counter affidavit it is specifically stated that the land in question to the extent of 0.3575 acre is still vacant and no award could be made in favour of the rightful owner. Even in the supplementary counter affidavit at paragraph 6 the said fact has been reiterated again by the Respondents.

“6. That from perusal of the said report it appears that prior to physical enquiry on 03.10.2025, the petitioner Gulab Chaudhary was informed well in advance on his mobile no. 8877735308 to appear at



the time of enquiry but the petitioner flatly denied to appear and then in presence of local villagers, physical enquiry was made by the concerned Amin and Kanungo. It is further stated in the said report that part of the plot no. 750 acquired in the said project is still in possession of the petitioner Gulab Chaudhary. The enquiry team did not find any construction, over the acquired portion of the plot no. 750, made by the Railway Department.

7. That it may not be out of place to mention here that the petitioner was given notice vide letter no. 719 dated 25.03.2024 issued by the answering respondent to submit the required necessary documents in support of his Right. Title and interest but no response was taken by the petitioner till date and in absence of the same, the part of the land in question of area 0.3575 acre is still vacant and even after being acquired, no Panchat has been prepared yet.”

6. A perusal of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which reads as under.

“24 (2) Notwithstanding anything contained in subsection (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of



1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

7. Having regard to the same the Writ Petition stands allowed and the acquisition proceedings, if any, as against the land measuring 31.25 decimal bearing Khata No. 39, Plot No. 750, situated at Mauja Desna, Touzi No. 11162, Thana No. 181, district Nalanda, are hereby quashed. In case the authorities want to acquire the subject land or any part of the said land they are free to do so under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



8. With the above directions, the Writ Petition stand
allowed to the extent indicated.

(A. Abhishek Reddy , J)

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