

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9978 of 2018**

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1. Uma Shankar Prasad
2. Abhay Shankar Gupta
3. Rajeev Shankar Prasad
4. Manoj Shankar Gupta
5. Alok Shankar All Sons of late Bansi Dhar Prasad Resident of Ward No. 26, Sarai gate After Abar Bridge Crossing, Ara Police Station-Ara Distirct-Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna.
2. The Chief Secretary, Government of BIhar, New Secretariat, Patna.
3. The Land Reforms Commissioner, Patna.
4. The Collector Bhojpur.
5. The Administrator, Bihar Agricultural Marketing Board, Pant Bhawan, Patna.
6. The Administrator, Bihar Agricultural Marketing Board, Pant Bhawan, Patna.
7. The Circle Officer, Jagdishpur, Bhojpur.
8. The Circle Officer, Jagdishpur, Bhojpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sushmita Mishra, Advocate  
For the Respondent/s : Mr. Md.Khurshid Alam -AAG-12

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 28-04-2025**

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

2. The present writ petition has been filed for the  
following reliefs:-

*(i) for the issuance of a rule in the  
nature of writ of Mandamus for a direction*



*upon the respondent authorities that the Land Acquisition Proceeding pursuant to Notification No. 8766 dated 15-12-86 for the acquisition of the land of the petitioners appertaining to Khata No. 1954, Khesra No. 63, 12890 and 905 with an area of 4.52 Acres in Village Dawan in the District of Bhojpur has been lapsed in the light of provisions contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short- The New Act) in as much as the Award had been prepared under section 11 of the Act on 28-03-92 i.e. much prior to the commencement of the New Act but the physical possession of the land in question has not been taken till date pursuant to the aforesaid Land Acquisition Proceeding and in that view of the matter the same would be deemed to have lapsed in view of Section 24 (2) of the Act.*

*(ii) for further the issuance of a rule in the nature of writ of Mandamus directing the respondent authorities that the Notification No. 8766 dated 15-12-86 under Section 4 of the Land Acquisition Act, 1894 (In short- The Old Act) had already lost its life by virtue of proviso (ii) appended to section 6(1) of the Old Act in as much as no Declaration under Section 6 of the Old Act*



*which should be in the form of Order has been issued and notified so far which was mandatory for acquiring the land in question and the respondent authorities may be directed to hand over the vacant possession of the land in question to the petitioners.*

3. Learned counsel for the petitioner submits that the land acquisition proceeding has lapsed in light of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred to as *RFCTLARR*], in spite of the fact that an award was prepared under Section 11 of the Land Acquisition Act, 1894, on 28.03.1992, i.e., much prior to the commencement of the *RFCTLARR*, but physical possession of the land has not been taken. Counsel further submits that the Land Acquisition Act, 1894 has already lost its force, therefore, the respondent authorities may be directed to hand over the vacant possession of the land in question to the petitioner.

4. Learned counsel for the State submits that in this case, a supplementary counter-affidavit has been filed, and in the said supplementary counter-affidavit, a clear-cut stand has been taken by the State, as mentioned in paragraph No. 6, that the land in question was acquired, thereafter, an award was prepared,



compensation was paid to the mother of the petitioner, and possession of the land in question was finally taken. Counsel further submits that the petitioner has taken recourse to Section 18 of the Land Acquisition Act, 1894, for enhancement of the compensation. It has been submitted that the compensation was also enhanced in terms of the judgment passed by the Sub-Judge, 2nd, Arah.

5. Counsel for the State has further taken the stand that, even though the question with regard to other lands released in favor of the landowners is not going to make the petitioner entitled for the release of his mother's acquired land. It has been mentioned that the lands claimed by the petitioner to have been released were, in fact, released in cases where no compensation had been taken by the other landowners.

6. Since, the land in question, the compensation was not only determined but also paid to the mother of the petitioner where after she had approached under Section 18 of the Land Acquisition Act, 1894 and the mother was referred to the Sub-Judge, 2<sup>nd</sup>, Arah, wherein the compensation was enhanced and the enhanced compensation was also paid to the mother of the petitioner. It is further stated that the boundary wall was also constructed by the "State Marketing Yard" who was the requisitioning authority and thereby possession of the land in



question was taken. It has been mentioned that no construction was done on any other land owner's land except that of petitioner.

7. It transpires to this Court that in paragraph No. 1(i), it has been mentioned that physical possession of the land in question has not been taken till date. However, in paragraph No. 1(ii), it has been stated that the respondent authorities may be directed to hand over vacant possession of the land in question to the petitioner.

8. It also transpires to this Court that paragraph Nos. 1(i) and 1(ii) are self-contradictory.

9. In view of the matter that the land in question has already been acquired, and the enhanced amount has been received by the petitioner's mother much earlier, and particularly in light of the self-contradictory prayer, this Court finds that the present writ petition is not maintainable. Accordingly, the writ petition stands dismissed.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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