

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10291 of 2022

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Parikshit Singh, son of Sri Abhimanyu Singh, Resident of Village - Gamahar,
near Madhukar Rai Railway Station, P.S. - Gamahar, District - Ghazipur,
Uttar Pradesh.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Collector cum the District Magistrate, Buxar.
4. The District Land Acquisition Officer, Buxar.
5. The Sub Divisional Officer, Buxar.
6. The Circle Officer, Chausa, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tewari, Adv. Mr. Yogendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
CAV JUDGMENT

Date : 18-12-2025

The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs :-

“(i) For issuance of an appropriate writ for quashing of the Notice published on 21-4-2021 under the signature of the respondent no. 3 by which under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as "the Act") the Preliminary Notification has been issued for acquisition of the land of the petitioner for Rail



Corridor for Buxar Thermal Power Station.

(ii) For issuance of an appropriate writ directing and commanding the respondents not to acquire the land of the petitioner for the purpose of construction of the Rail Corridor for Buxar Thermal Power Station and to use the Government land available in the vicinity for the said purpose.

(iii) For issuance of an appropriate writ directing and commanding the respondents to pay the petitioner the amount of compensation according to market rate by treating the land of the petitioner as commercial in nature with 100% soletium and interest as well as compensation amount for the Factory / Industry situated over the said land of the petitioner if at all the land in question of the petitioner is acquired and also to make available the suitable land to the petitioner to set up his Industry/Factory.

(iv) For any other relief/reliefs of which the petitioner is legally entitled.”

2. Mr. Dilip Kumar Tewari, learned counsel for the petitioner, Mr. Navnit Kumar, learned AC to GP-18 for the State-respondents, are present and they are heard.

3. Learned counsel appearing for the petitioner has argued that the petitioner along with one Sri Raghuveer Singh is the owner/holder of the land pertaining to Plot No. 1698, Khata No. 367, Thana No. 02, measuring 4.97 acres, situated at Mauza- Chausa, in the district of Buxar and to the said effect on 12.12.2019 the Land Possession Certificate (LPC) was issued in



favour of the petitioner and Sri Raghuveer Singh. From the perusal of the said LPC (Annexure-1), of which land receipt has been filed as Annexure-2, it is itself evident that till 2019-20 the rent for the said land was paid. Earlier the survey plot Nos. 2038, 2039, 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077 & 2078 measuring 2.057 acres belonged to others, however, after consolidation proceedings, the said plots were allotted to the petitioner and were included in the plot No. 1698 measuring 4.97 acres and the petitioner along with Raghuveer Singh became the owner of the said land. Learned counsel further submitted that over the said plot No. 1698, by setting up a factory/industry, the petitioner was running his business after getting the registration certificate of the GST issued on 20.09.2017 by the Government of India and a copy of the registration certificate has been filed as Annexure-3 to the petition. On the basis of survey done in the year 1906-08, the Khatiyan was prepared in which the said plots were mentioned/described as agricultural land with the name of their respective land holders and thereafter, several years have passed and the entire area/locality has changed and now, in the vicinity of these plots, several commercial activities are being conducted. Learned counsel further submitted that as the



petitioner had set up an industry/factory over the land pertaining to Plot No. 1698, so, for conversion of the nature of the said plot from agricultural to commercial, the petitioner had filed a petition before the competent authority upon which the authority vide its order contained in the letter No. 609 dated 16.12.2019 asked the Circle Officer, Chausa, to make an enquiry and submit the report about the plot No. 1698 of Mauza- Chausa, and a copy of the said letter dated 16.12.2019 has been filed as Annexure-4 to the petition. In compliance of the order dated 16.12.2019 issued by the competent authority, the Circle Officer, Chausa, conducted an enquiry in the matter, who vide his letter No. 37 dated 11.01.2020 (Annexure-5) submitted his report before the Sub Divisional Officer, Buxar, the competent authority. From a perusal of the said report dated 11.01.2020, it is itself evident from the report that although the plot in question was recorded as agricultural in the Khatiyon but the same was being used as commercial. Though the said report was submitted on 11.01.2020 but due to pandemic period, no further step could be taken with regard to conversion of the nature of the plot No. 1698 from agricultural to commercial. In the meantime, by publishing a notice under section 11(1) of the Right To Fair Compensation And Transparency In Land



Acquisition, Rehabilitation And Resettlement Act, 2013 (in short, 'RFC Act') issued under the signature of the Collector-cum-District Magistrate, Buxar (respondent No. 3), the land of the petitioner pertaining to plot No. 1698 was brought under the acquisition for the purpose of construction of the Rail Corridor for Buxar Thermal Power Station, a copy of the relevant portion of the notice published on 10.04.2021 in the newspaper has been filed as Annexure -6 to the petition. Though the petitioner's land relating to plot No. 1698 of Mauza-Chausa was brought under acquisition but no notice has been given to the petitioner with regard to the plot No. 1698 and from the perusal of the notice (Annexure -6) issued under section 11(1) of the RFC Act, it is itself evident that in the said notice the survey plots Nos. 2038, 2039, 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077, 2078 of Mauza-Chausa measuring 2.057 acres were notified for acquisition and the names of the earlier owners of the said plots were included in the said notice while after consolidation proceeding, the plots had been allotted to the petitioner and merged in the plot No. 1698 and since then the plots stand in the name of the petitioner and Sri Raghuveer Singh and for this effect, the LPC (Annexure-1) has also been issued in favour of the petitioner. Learned counsel further submitted that without



verifying the details about the plots from the records with regard to the present owner of the said plots (which became plot No. 1698 after merging), the notice dated 10.04.2021 (Annexure-6) was issued without mentioning the actual plot number as well as without mentioning the name of the petitioner as the owner of the said land, as such, the petitioner could not be able to know about the said notice. Although, no notice was given to the petitioner, however, the petitioner came to know that the Collector-cum-District Magistrate, Buxar (respondent No. 3), had issued notices to the ex-landlords under section 37(2) of the RFC Act in Land Acquisition Case No. 02/2022 asking them to appear on 11.05.2022 for the payment of the award amount determined under section 30 of the RFC Act. The photocopies of the notices issued under section 37(2) of the RFC Act have been filed as 'Annexure- 8 series' to the petition, from which it is clearly depicted that the notices were issued in the name of the ex-landholders and also shows that the amount of compensation had been determined treating the petitioner's land as agricultural despite the petitioner carrying out commercial activity by running an industry/factory over his land pertaining to plot No. 1698 and without ascertaining these facts, the respondent No. 3 issued the said notices to the ex-landholders, which is a



violation of the provisions of section 11(5) of the RFC Act, which provides that after issuance of notice under section 11(1) of the RFC Act, the Collector shall, before the issuance of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months but without updating the records, the Collector-cum-District Magistrate, Buxar (respondent No. 3) took further steps to issue the notices (Annexure-8 series) under section 37(2) of the RFC Act to the ex-landholders for the payment of the compensation amount but did not issue any notice to the petitioner, who is now the actual owner of the plot in question. It has been further submitted that after coming to know about the notices issued to the ex-landholders in Land Acquisition Case No. 02/2022, the petitioner appeared before the Collector, Buxar (respondent No. 3), on the date fixed in the notices i.e., 11.05.2022, revealing the relevant facts and filed his objection petition. A photocopy of the objection petition with its receiving in the margin has been filed with this petition as 'Annexure-9'. But till date no order has been passed by the Collector-cum-District Magistrate, Buxar (respondent No. 3), upon the petitioner's objection petition. Learned counsel has further submitted that if the revenue records would have been



updated by the Collector-cum-District Magistrate (respondent No. 3) then the name of the petitioner and one Raghuveer Singh would have been mentioned in the preliminary notification by correcting the same and on account of the latches on the part of the respondent No. 3, the petitioner has suffered a lot as neither any notice was issued to him nor he was given any opportunity to file his objection and very surprisingly, the Collector, Buxar (respondent No. 3) has not taken any step despite filing of the objection petition by the petitioner on 11.05.2022 on the notices which had been issued to the ex-landholders in Land Acquisition Case No. 02/2022, which shows an intentional wrong or negligence on the part of the respondent No. 3. It has been lastly submitted by petitioner's counsel that in the year 2022, the petitioner's land had been acquired after demolishing the structure of the petitioner's factory and damaging more than 100 trees, which has added a significant loss to the petitioner.

4. On the other hand, learned counsel for the respondent Nos. 3 to 6 has submitted that the notification for acquiring the land in question as well as other lands was published on 07.04.2021 under section 11(1) of the RFC Act but the petitioner did not file his objection within 60 days from the date of publication of the notification as prescribed under



section 15(1) of the RFC Act. The petitioner filed his objection petition on 17.05.2022 after the issuance of the award dated 01.04.2022 and thereafter, the Land Acquisition Officer with one Nishant Kumar Singh, Deputy Manager, SJVN Ltd., inspected the spot on 03.08.2022 for verification of the acquired land, situated in Mauza- Chausa, Thana No. 02, pertaining to plot No. 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077 and 2078/Chak Plot No. 1698 where *hot mix plant* was found being situated and a *double storey* building with boundary walls was also found there. The petitioner's land was shown as agricultural in nature in the revenue records at the time of publication of the notification and so far as the conversion of the nature of the petitioner's land is concerned, the competent authority, the Sub-Divisional Officer, Buxar, submitted his report showing that the conversion of the nature of the petitioner's land had not been done till the date of submission of his report, due to some reasons. The Requisitioning Authority SJVN, vide letter No. 1220 dated 24.08.2019 (Annexure-E to counter affidavit), filed a requisition for the said land for the *Rail Corridor* under *Thermal Power Project* but the petitioner submitted his petition for conversion of the nature of his land on 16.12.2019 before the competent authority, i.e., after the filing of the requisition by the



Requisitioning Authority. It has been further submitted that in the notification for acquisition, the plot Nos. 2038, 2039, 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077 and 2078 of Mauza-Chausa, measuring 2.057 acres were shown, in which the names of the earlier owners of the land were included, as stated by the petitioner, is a matter of record. The petitioner and his brother Raghuveer Singh should have filed their objection before the Land Acquisition Officer and should produce the documentary evidence such as possession papers for their claim; and the compensation amount has been determined on the basis of the nature of the land shown in the revenue records at the time of publication of the notification. The notice dated 10.04.2021 was issued on the basis of the Revisional Survey plots in which there was no any kind of illegality and the alternative remedy to file a petition before the LARRA (Land Acquisition, Rehabilitation and Resettlement Authority) has not been availed by the petitioner till date. It has been further submitted that no payment has been made to anybody regarding the lands situated in Mauza-Chausa pertaining to Khata No. 367K, Plot No. 1698, area- 4.97 acres and the petitioner's case has been referred to the court of LARRA, Patna, for determination of the compensation amount of the land acquired for Rail Corridor, Chausa Thermal



Power Project and the petitioner's plot No. 1698 pertaining to Khata No. 367K, is a Chak plot, which has been created from Survey plot Nos. 2057/2442, 2061, 2055, 2086/2441 and 2087 and the notification for acquisition under section 19(1) was issued on the basis of survey plot in the year 2021, in which there was no any illegality.

5. I have heard both the sides and perused the relevant materials in the light of the provisions of the RFC Act, 2013. It is an admitted position that the land in question measuring 2.057 acres pertaining to plot No. 1698 of Mauza-Chausa has been included in the process of acquisition for the purpose of construction of Rail Corridor under the Buxar Thermal Power Project. The main grievance raised by the petitioner, which give him a reason for making a prayer before this Court for invoking its writ jurisdiction to address his issue, relates to the violation of the provisions of sections 11(1), 11(5), and 19 of the RFC Act, 2013. In the preliminary notification dated 07.04.2021, the land in question was shown as pertaining to the plots Nos. 2038, 2039, 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077 and 2078, whereas the case of the petitioner is that these plots had been merged with other plots during the consolidation proceeding in the year 1980 and a new Chak Plot bearing No.



1698 measuring 4.97 Acres was prepared, which was allotted to the father of the petitioner and to substantiate this, the petitioner's counsel has drawn the attention of this Court to the Land Possession Certificate (LPC) issued by the concerned C.O on 12.12.2019 in connection with the plot No. 1698, in which it is clearly mentioned that the land pertaining to the said plot was in the possession of the petitioner and one Raghuveer Singh and also revealed the rent of the said land being realized for the revenue year 2019-20. The land possession certificate has been filed by the petitioner with the petition as Annexure -1, of which genuineness has not been disputed by the respondents' counsel and the same is sufficient to show the land pertaining to plot No. 1698 being in the name of the petitioner and one Raghuveer Singh as well as showing their possession over the same during the relevant period of time. The merger of the plot Nos. 2038, 2039, 2047, 2048, 2051, 2052, 2055, 2057, 2058, 2077 and 2078 with other plots, resulted in creation of plot No. 1698 after the consolidation proceeding, so, it can be easily inferred that the earlier plots, belonging to some other persons, had lost their existence after their merger with other plots, but even then in the initial notification dated 07.04.2021, the previous land holders of the said earlier plots were shown as being affected by the



acquisition. As neither the name of the petitioner nor his plot No. 1698 was included in the initial notification, so, there was no reason for him to raise his objection or produce himself to get the compensation in respect of his land. When the petitioner got the information about the notices (Annexure 8 series to the petition) issued under section 37(2) of the RFC Act which were concerned to the ex-landholders of the land in question, then the petitioner, being the actual owner of the said land, appeared before the Collector-cum-District Magistrate, Buxar (respondent No. 3) and filed his objection petition, vide Annexure-9, but very surprisingly, neither any order was passed upon that objection petition nor any information with regard to any action on that objection petition was informed by the respondent No. 3 to the petitioner, which is clearly a violation of the provision of section 15 of the RFC Act. Furthermore, as per the provision of section 11(5) of the RFC Act, the then Collector was bound to update the land records within the time period prescribed under the section 11 of the RFC Act but in this regard, no step was taken, which shows the negligent approach on the part of the then Collector-cum-District Magistrate, Buxar (respondent No. 3). During the course of argument, respondent's counsel has taken the plea that in the light of the entry available in the



Khatiyan, the notification under section 11(1) of the RFC Act was issued. But the said plea is not believable as for refuting the same, the petitioner has filed LPC (Annexure-1 to the petition) issued by the then circle officer. When the wrong entry in the preliminary notification had come in the knowledge of the respondent No. 3 through the petitioner's objection petition, filed by him on 11.05.2022, then an appropriate step ought to have been taken by the respondent No. 3 for necessary correct entry in the subsequent notices but the then Collector and other concerned authority completely remained careless. During the course of argument, learned counsel for the respondents has submitted that the petitioner's case has been referred to the LARRA for deciding the issues and in this regard, he has drawn the attention of this Court to the Annexure 'P/4' filed by the petitioner with his reply to the counter affidavit filed on behalf of the respondent Nos. 3 & 4. But from its perusal, it appears that petitioner's Plot No. 1698 does not find place in the list enclosed with the said letter (Annexure -'P/4') by which the dispute with regard to the compensation amount of the lands, which have been acquired, was referred to LARRA by the then District Land Acquisition Officer, Buxar, rather it shows the inclusion of the earlier plots belonging to the earlier land



holders which is also sufficient to show gross negligence on the part of the then District Land Acquisition Officer, Buxar. Accordingly, this Court is of the view that the then Collector and District Land Acquisition Officer, Buxar, completely remained negligent in complying with the mandatory provisions of the RFC Act 2013, due to which the petitioner has suffered a lot as since 2021 he is running from pillar to post and as per him, a huge loss has occurred to him on account of the damage of his building that was available over his land and a large number of trees grown by him over his plot, which has been acquired and the said damages have not been refuted by the respondents' counsel, therefore, I direct the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna (respondent No. 2) to pay Rs. 5,00,000/- (Rupees Five Lakhs) to the petitioner for the loss and his mental agony through which he is undergoing from 2021 till date and the same will be recoverable by the respondent No. 2 from the then Collector-cum-District Magistrate (respondent No. 3) under whose supervision the initial notification and final notification as well as publication of the award were made and before whom the objection petition of the petitioner was filed; and the said amount will be in addition to the compensation amount which is



yet to be determined under the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (RFC Act), in respect of the land which has been acquired and the petitioner's right to get interest upon the said compensation under the RFC Act 2013 will also be not affected by this relief. The Collector-cum-District Magistrate (respondent No. 3) is directed to decide the petitioner's objection dated 11.05.2022 after examining all the revenue records as per the provisions of law within four weeks from the date of receipt of a copy of this Court's order or production of the same and thereafter, necessary modification/correction be made in the notifications issued under section 15(1) and 19(1) of the RFC Act 2013 to the extent of the petitioner's land and his claim as to getting compensation in the light of the actual nature of his land must also be decided in view of the relevant reports and documents detailed by the petitioner in his petition and reply to the counter affidavits and in this regard further necessary examination may be made and the decision either for the preparation of the award in respect of the petitioner's land which has been acquired or for referring his matter to the Authority under section 64 of the RFC Act 2013 must be taken by the Collector-cum-District Magistrate (respondent No. 3)



within four weeks from the date of receipt of a copy of this Court’s order or production of the same. If the petitioner’s matter is referred to the Authority under section 64 of the RFC Act 2013, then the jurisdictional competent authority shall take step to decide the petitioner’s case as early as possible keeping in mind the petitioner’s hardship which he is facing since 2021, according to merit without being prejudiced with this order.

6. Accordingly, with the above directions, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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AFR/NAFR	AFR
CAV DATE	25.11.2025
Uploading Date	19.12.2025
Transmission Date	NA

