

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2496 of 2025

In
Civil Writ Jurisdiction Case No.15328 of 2024

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1. Santosh Kumar Bhuwania Son of Late Bishwanath Bhuwania, Resident of 3A Raja Santosh Road, PO Alipur, PS Alipur, District 24 Pargana (Kolkata).
 2. Om Prakash Bhuwania Son of Late Bishwanath Bhuwania, Resident of South City Residence, Tower 1, Flat 33K, 375 Prince Anwar Sah Road, PO Lake Gardens, PS Jadavpur, District 24 Paragana (Kolkata).

... .. Petitioner/s

Versus

1. The State of Bihar through The District Collector, Madhepura.
2. Sri Taranjot Singh, The Collector, Madhepura.
3. Sri Aman Kumar, The District Land Acquisition Officer, Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Shri Satyabir Bharti, Sr. Advocate
Shri Sushant Praveer, Advocate
For the Opposite Party/s : Shri Kinkar Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 28-11-2025 Heard Shri Satyabir Bharti, learned Senior Counsel

for the petitioners and Shri Kinkar Kumar, learned SC-9 for the

State.

2. The District Magistrate-cum-Collector, Madhepura,

in compliance of the order dated 31.10.2025, is present in the

Court.

3. Learned Senior Counsel appearing on behalf of the

petitioners submits that the instant contempt application has

been filed for initiating a proceeding of contempt against the

opposite parties for their willful disobedience of the order dated

04.02.2025 passed in C.W.J.C. No. 15328 of 2024 whereby the



order dated 13.08.2024 passed by the District Magistrate-cum-Collector, Madhepura in Misc. (Land Acquisition) Case No. 04 of 2023 was quashed and the writ application was disposed of with a direction to the District Magistrate-cum-Collector, Madhepura to adjudicate the claim of the petitioners afresh in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of four months.

4. Learned Senior Counsel appearing on behalf of the petitioners next submits that the District Magistrate-cum-Collector, Madhepura in complete breach of the order dated 04.02.2025 passed in C.W.J.C. No. 15328 of 2024 had decided the compensation to be given to the petitioners by an order dated 10.06.2025 in Misc. (Land Acquisition) Case No. 01 of 2025 annexed as Annexure-P/2 to the writ application.

5. Learned State Counsel at this stage submits that the writ application was disposed of with a direction to the District Magistrate-cum-Collector, Madhepura to adjudicate the claim of the petitioners afresh in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of four months. It is further submitted that the District Magistrate-cum-Collector,



Madhepura relying on Section 26 of the Land Acquisition Act, 2013 has decided the claim of compensation of the petitioners. It is next submitted that the District Magistrate-cum-Collector, Madhepura, while adjudicating the claim, had noticed the petitioners and after hearing the petitioners the order dated 10.06.2025 in Misc. (Land Acquisition) Case No. 01 of 2025 was passed. It is also submitted that compensation with respect to acquisition of 23 acres of land of the petitioners has been calculated by the District Magistrate-cum-Collector, Madhepura but then the petitioners are not satisfied with the compensation so arrived at by the District Magistrate-cum-Collector, Madhepura by order dated 10.06.2025.

6. Learned State Counsel further submits that by no stretch of imagination, it can be even remotely suggested that the District Magistrate-cum-Collector, Madhepura willfully or deliberately has violated the orders of the Writ Court. It is next submitted that the District Magistrate-cum-Collector, Madhepura has passed the order after considering various aspects of the matter in accordance with law and if the petitioners are aggrieved by the order dated 10.06.2025 passed by the District Magistrate-cum-Collector, Madhepura in Misc. (Land Acquisition) Case No. 01 of 2025, in that event, they have



a remedy of assailing the same before an appropriate forum.

7. Learned Senior Counsel appearing on behalf of the petitioners, at this stage, submits that the issue involved in the writ application was that 23.22 acres of land of the petitioners was declared surplus under the ceiling proceeding for which an Award was prepared in the year 1992 and the compensation was decided in terms of the Ceiling Act, 1961. It is further submitted that ancestors of the petitioners assailed the order by which their land was declared surplus in the ceiling proceeding before this Court. It is next submitted that this Court, after hearing the learned counsel for the parties, remanded the matter back to the District Magistrate-cum-Collector, Madhepura to adjudicate the claim of the petitioners afresh, thereafter the District Magistrate-cum-Collector, Madhepura decided the claim of the ancestors of the petitioners and ultimately 240 acres of land was declared free from a ceiling proceeding including the land measuring 23.22 acres. It is also submitted that the land was released from the ceiling proceeding by the District Magistrate-cum-Collector, Madhepura in the year 2002, as such, the land of the petitioners became their raiyati land. It is, thus, submitted that if the State Authorities intended to continue with the acquisition, in that event, the compensation had to be decided afresh, i.e., the



compensation had to be decided in terms of Section 23 of the Land Acquisition Act, 1894 but then the same was not done, as such, the petitioners approached the District Magistrate-cum-Collector, Madhepura in the year 2008 when the District Magistrate-cum-Collector, Madhepura instead of adjudicating the claim of compensation of the petitioners in terms of the Land Acquisition Act, 1894 referred the matter before the learned Sub-Judge, Madhepura under Section 18 of the Land Acquisition Act. It is further submitted that the said reference was held to be bad by order dated 04.02.2025 passed in C.W.J.C. No. 15328 of 2024 and, accordingly, the District Magistrate-cum-Collector, Madhepura was directed to adjudicate the claim of the petitioners afresh in terms of the Land Acquisition Act, 2013 but then the District Magistrate-cum-Collector, Madhepura instead of deciding the claim of the petitioners in terms of the Land Acquisition Act, 2013 has erroneously decided the compensation in terms of the Land Acquisition Act, 1894 relying on a letter of the Revenue and Land Reforms Department dated 21.10.2024, as such, it is submitted that a, prima facie, contempt is made on which learned State Counsel submits that this Court, in the writ application, had directed the District Magistrate-cum-Collector,



Madhepura to decide the claim of the petitioners afresh and the District Magistrate-cum-Collector, Madhepura, in compliance of the order, has decided the claim of the petitioners by order dated 10.06.2025 and the compensation has been correctly decided in terms of the Land Acquisition Act, 1894 after seeking aid of Section 26 of the Land Acquisition Act, 2013.

8. After hearing the learned counsel for the parties, it becomes clear that the order of the District Magistrate-cum-Collector, Madhepura dated 10.06.2025 in Misc. (Land Acquisition) Case No. 01 of 2025 requires to be adjudicated afresh in a duly constituted proceeding before an appropriate forum.

9. At this stage, learned Senior Counsel appearing on behalf of the petitioners seeks permission to withdraw the contempt application with liberty to assail the order dated 10.06.2025 passed in Misc. (Land Acquisition) Case No. 01 of 2025 passed by the District Magistrate-cum-Collector, Madhepura before an appropriate forum in accordance with law.

10. Permission is accorded.

11. Accordingly, the instant contempt application is dismissed as withdrawn.

12. The personal appearance of the District



Magistrate-cum-Collector, Madhepura is dispensed with.

13. Pending application(s) stands disposed of.

(Satyavrat Verma, J)

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