

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12732 of 2024

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M/S. Natural Agro Products a Unit of M/S. NEFAA Tea Industries, having its address at Kharagpur Road, Ward No. 8, Tarapur, District-Munger, Bihar-813221 through its Representative namely Mritunjay Kumar Singh, Male, aged about 49 Years, S/o-Ranveer Prasad Singh, R/o-Swarndih, Tarapur, Tarapur, Munger Bihar 813221.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Old Secretariat, Patna, Bihar.
2. The Additional Chief Secretary, Department of Industries, Govt. of Bihar, Vikas Bhawan, Patna, Bihar.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Old Secretariat, Bailey Road, Patna, Bihar.
4. The Director Industries, Department of Industries, Govt. of Bihar, Vikas Bhawan, Patna, Bihar.
5. The District Magistrate, District-Munger, Bihar.
6. The District Land Acquisition Officer, District-Munger, Bihar.
7. The Sub Divisional Officer, Tarapur, District-Munger, Bihar.
8. The Circle Officer, Tarapur, District-Munger, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Kaushal, Adv.
For the Respondent/s : Mr. Addl. Advocate General 4

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

Date : 12-05-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-

“i. For the directing the Respondent Authorities to forthwith allow the Petitioner to establish his food processing industry, which is well within the priority sector as envisaged and contemplated under the extant and prevailing Policy i.e., Bihar Industrial Investment Promotion Policy, 2016 (Hereinafter referred to as 'BIIPP, 2016'), as



despite of SIPB Stage-I Clearance, No Objection Certificate dated 06.04.2024 issued by the Chairman of Tarapur Nagar Panchayat and permission for construction of boundary wall given by the Executive Engineer of Tarapur Municipal Board on 08.06.2024, which is consciously and deliberately impeded and thwarted by the Respondent Authorities, illegally, arbitrarily and capriciously.

ii. For directing the respondents forthwith not to take any coercive steps against the unit of the Petitioner till disposal of this Writ Application.

iii. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

3. It is the case of the petitioner that he has taken lease of the land admeasuring an area of Total 157.3435 acres for the purpose of establishing a factory for producing maize grits and allied products as per the Bihar Industrial Investment Promotion Policy, 2016 (BIIPP, 2016). The petitioner has taken necessary permissions from the concerned authorities and also the permission from the Executive Engineer of Tarapur for construction of the compound wall. However, the respondents more particularly, the respondent No. 8 herein (i.e., Circle Officer Tarapur District) is not permitting the petitioner to set up the unit or making any construction over the said land.

4. Learned counsel appearing on behalf of the petitioner has stated that the Circle Officer without any legal basis is preventing the petitioner from making any construction solely on the ground that the land which has been leased by the petitioner



and the surrounding lands are required for the purpose of constructing of Sub-Divisional Civil Court-cum-Residential Building at Tarapur under the Munger Judgeship, Munger. However, till date no steps have been invoked by the said authority for acquisition of the land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) That the act of the respondents in preventing the petitioner from establishing the unit is contrary to the well settled principles of law. Learned counsel has stated that the land is a private *patta* land and not a government land therefore, the authorities cannot object to the petitioner from making any constructions over the subject land or establishing the unit. In the absence of any acquisition proceedings or paying compensation to the land owners, the authorities cannot orally stop the petitioner from making any construction on setting up the unit. Learned counsel has therefore, prayed this Hon'ble Court to restrain the official respondents from interfering with the right of the petitioner for establishing the unit or making any constructions over the subject land.

5. In the counter-affidavit filed by the respondents, it is not denied that the petitioner has obtained the lease deed for purpose of establishing the unit, the authorities in their counter-



affidavit has specifically stated that the land which has been leased to the petitioner as well as the surrounding of lands of approximately six acres is required for the purpose of construction of Sub-Divisional Civil Court-cum-Residential Building at Tarapur under the Munger Judgeship, Munger and to that effect, necessary proposals have been submitted by the authorities. However the counter-affidavit is silent as to whether any notification under the provisions of the RFCTLARR Act, 2013 has been published or not.

6. Even at the time of arguments, when it was specifically asked whether any land acquisition notification has been issued for the purpose of acquiring the land either under the provisions of RFCTLARR Act, 2013 or by way of any negotiations, learned counsel appearing on behalf of the respondent-State could not give any effective answer. Learned counsel except stating that the subject land is required for the purpose of construction of of Sub-Divisional Civil Court-cum-Residential Building at Tarapur under the Munger Judgeship Munger, has not brought on record any document or notification to show that the land has been acquired by the authority RFCTLARR Act, 2013.



7. Article 300-A of the Constitution of India which reads as under;

“300A. Persons not to be deprived of property save by authority of law

No person shall be deprived of his property save by authority of law.”

8. The Constitution of India gives a right to the land holder/ owners/ occupiers to protect their interest and the said interest cannot be defeated without paying a compensation for under the RFCTLARR Act, 2013. As per the provisions of the RFCTLARR Act, 2013 unless and until the notification is issued, enquiry is conducted award passed and the compensation paid to the land owners, the authorities cannot take possession of any private property.

9. In this particular case, there is absolutely nothing on record which indicates that the steps necessary for acquiring the subject property have been taken by the respondents.

10. Having regard to the same, the authorities cannot prevent the petitioner from establishing the unit or making any construction over the same, the present writ petition is accordingly, allowed. The respondents are directed not to interfere with the peaceful possession of the petitioner or create any impediments to the constructions of any unit or compound wall. However, it is made clear that this order does not prevent the authorities from



initiating the land acquisition proceedings under the RFCTLARR Act, 2013. Further, it is also made clear that in case the petitioner seeks to make any construction/ establish any unit, he shall be doing so at his own risk and he will not be entitled to any equities if the subject property is acquired by the authorities in accordance with law.

11. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025.
Transmission Date	NA

