

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17739 of 2022

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1. Shreekant Yadav Son of Late Dasrath Yadav Resident of Village- Goasi, Police Station- K. Nagar, District- Purnea.
 2. Munna Yadav, Son of Late Baldeo Yadav Resident of Village- Goasi, Police Station- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ragib Ahsan, Sr. Advocate Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, Sr. Advocate (SC-25) Mr. Arif Daula Siddiqui, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 20-08-2025 This is a second round of litigation in respect of the land acquisition matter under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter described as “2013 Act”).

2. By filing the instant writ petition, the petitioners have made the following prayers:-

“(a) To quash the order dated 29.03.2022 in L.A. Objection Case Nos.08 of 2019-20 and 19 of 2019-20 passed by the Respondent Collector, whereby the objection raised by the petitioners against under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act,



2013 (hereinafter referred to as the Act) whereby the land held by the petitioners have been acquired for the purpose of Civil Aviation situated contiguous to south of Military Aerodrome, Purnea has been rejected without even mentioning the objections raised.

(b) During pendency of the writ petition the respondent be restrained from taking possession of the petitioner's lands which have been notified under Section 11(1) of the Act.”

3. The order dated 29.03.2022, which is impugned in the instant writ petition is annexed with the writ petition as Annexure-1. On perusal of the cause title of Annexure-1, it is found that the petitioner No.2 filed Land Acquisition Objection Case No.19 of 2019-20 (State Vs. Munna Yadav), by filing an objection against the acquisition and failure on the part of the Authority to calculate fair compensation.

4. Subsequent to filing of the instant writ petition in the year, 2022, the petitioners filed supplementary affidavit and reply to the counter affidavit filed by the State-Respondents but the copy of the written objection under Section 15(1) has not been filed in the record of the instant writ petition.

5. Therefore, I do not have any other alternative but to rely upon paragraph No.4 of the impugned order dated 29.03.2022, where the grounds of objection was summarized by



the Collector, Purnea in the following words:-

“आपत्तिकर्ता द्वारा प्रस्तुत जवाब का अवलोकन किया गया तथा उनके विद्वान अधिवक्ता को सुना। उनका मुख्य रूप से कथन है कि इस जमीन का अधिग्रहण कर लिये जाने से आपत्तिकर्ता भूमिहीन/लघुकृषक की श्रेणी में आ जाएंगे तथा जमीन छिन जाने से उनके रोजगार का मुख्य साधन समाप्त हो जाएगा जिससे परिवार के भरण-पोषण में कठिनाई होगी”

6. Thus, the petitioners/objectors raised objection to the effect that if the land in question is acquired, he would be reduced to the class of landless/marginal farmer and his main source of income through agriculture would be destroyed. He would not be able to maintain his family in such case.

7. Section 15 of 2013 Act states :-

“15. Hearing of objections.-(1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to-

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.



(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.”

8. It is contended on behalf of the petitioners by Mr. Ragib Ahsan, learned Senior Counsel that the Collector had no Authority to dispose of the objection filed by the petitioners under Section 15(1) of 2013 Act. Sub-section (2) of Section 15 clearly states that when an objection is filed under Section 15(1) of 2013 Act, the Collector shall give opportunity to the objector of being heard either personally or by his authorized agent or



advocate and after hearing such objection and after making such further enquiry, he shall either make a report in respect of the land, which has been notified under Sub-section (1) of Section 11 or make different reports in respect of different persons of such land to the appropriate government.

9. Thus, it is contended that the Collector had no right to dispose of the objection raised by the petitioners. Under the statute they are authorized to referred the objection to the proper government, as the Collector failed to comply with the requirement of Section 15(2) of 2013 Act, the impugned order is bad and liable to be quashed and set aside.

10. Second leave of argument advanced by the learned Senior Advocate on behalf of the petitioners are that the petitioners and another previously filed CWJC No.22386 of 2019 praying for quashment of the order dated 11.09.2019 passed by the Collector, whereby the objection raised under Section 15(1) of 2013 Act against acquisition of the land of the petitioners was rejected by the Collector without even mentioning the nature of the objection.

11. The Division Bench of this Court presided over by the then the Hon'ble the Chief Justice, while disposing of the above-mentioned writ petition held as hereunder :-

“We notice that acquisition proceedings



relate to expansion of the airport at Purnia. The proceeding commenced in the year 2013, for one reason or the other, be it on account of pendency of the present petition or the interim orders passed therein, the project stands inordinately delayed.

There is no doubt that in law, petitioners have a right to receive compensation which is just, fair and reasonable but it is also the duty of the State to ensure that projects of vital importance are not held up only on account of passing of interim orders by various courts. Yes, Courts cannot be obstructionist in any developmental activity, but then the State also has to be vigilant. When an identical matter stood decided in February, 2020 itself, application for hearing and disposal of the instant petition, on similar lines could have been filed. It was not done so. Order of interim injunction was never sought to be modified.

We notice that the development of airport at Purina is necessarily required in national interest for in the war of 1962, the aerodrome at that place was utilized to its optimum utility.

As such, as jointly prayed for, we quash and set aside the order dated 11.09.2019 passed by the Collector/Land Acquisition Officer, rejecting the petitioners' objection petition (Annexure-1).

Further direction is issued to the petitioners to make themselves available in the office of respondent no.2, namely, the Collector, Purnea on 14.03.2022 on which date, the parties shall place on record not only a copy of this order, but also any



material which they seek to rely upon. If the authorized authority to adjudicate the petition is some other person then the Collector shall ensure compliance of direction.

We direct respondent no. 2, namely, the District Magistrate, Purnia to either himself or ensure the authorized person to conclude the proceedings positively within a period of 45 days, unless, of course, the law mandates it to be done otherwise. Any which way, it must be completed within the prescribed time limit.

We also direct the Chief Secretary, Government of Bihar to ensure that all appropriate sanctions and approvals, if so required, are accorded within a time bound period. Learned Advocate General states that the order shall be communicated.

Needles to add, petitioners have a right to receive compensation which is just, fair and reasonable in terms of the decision rendered by Hon'ble the Apex Court in *Indore Development Authority versus Manoharlal and others*, reported in *(2020) 8 SCC 129*."

12. Close perusal of the order passed in CWJC No.22386 of 2019 shows that the Division Bench of this Court was alive to note that while petitioners have a right to receive compensation, which is just, fair and reasonable, but it is also the duty of State to ensure that projects of vital importance are not held up only on account of passing of the interim orders by



various Courts. It is also observed that the courts cannot be obstructionist in any developmental activity, but the State also has to be vigilant.

13. Therefore, public purpose of acquisition of the land in question was affirmatively taken into consideration by the Division Bench in CWJC No.22386 of 2019.

14. At this stage, the learned Senior Counsel on behalf of the petitioners refers to Rule-6 of RFCTLARR Rules, 2015. Rules-6 runs thus:-

“6. Hearing of objections.- (1) The Collector shall issue a notice for inviting objections in FORM III and after hearing all objections and making enquiry as provided under sub-section (2) of section 15 shall submit a report along with his recommendations on the objections to the appropriate Government for decision.

(2) The report of the Collector shall include the following:-

(a) assessment as to whether the proposed acquisition serves public purpose;

(b) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;

(c) whether land acquisition at an alternate place has been considered and found not feasible;

(d) there is no unutilised land which has been previously acquired in the area;

(e) the land, if any, acquired earlier and



remained unutilised, is used for such public purpose and recommendations in respect thereof;

(f) recommendations on the objections;

(g) record of proceedings;

(h) approximate cost of land acquisition in cases where Social Impact Assessment has been exempted.”

15. Referring to the above Rule, it is vehemently urged by the learned Senior Counsel on behalf of the petitioners that the objection raised by the petitioners can only be decided by the appropriate government and not by the Collector. Therefore, the impugned order is bad in law and liable to be quashed.

16. Learned Senior Counsel on behalf of the State-Respondents, on the other hand on the other hand, draws my attention to reliefs sought for by the petitioners in the instant writ petition. I have already quoted the reliefs herein before and therefore, it is not necessary to record the reliefs at the risk of repetition.

17. Referring to the reliefs, it is submitted by the learned senior counsel on behalf of the petitioners that the impugned order was passed on 29th March, 2022 on the basis of the Division Bench’s order dated 9th March 2022 in CWJC No. 22386 of 2019. The Division Bench specifically directed that the objection filed by the petitioners were to be disposed of



within 45 days from the date of communication of the order. Thus, the Collector, did not commit any error in passing the impugned order.

18. It is further submitted by the learned senior counsel for the respondents that notification under Section 11(1) of 2013 Act for acquisition of land for the purpose of construction of civil airport was published on 03rd June 2019, declaration was made on 15th October 2019. On 10th January 2020 Award was prepared, requisitioning officer delivered possession of the acquired land to the Acquiring Authority during the period between 25th April 2022 and 29th October 2022. Since, the petitioners did not accept the compensation amount, entire money was deposited on 09.10.2020 and 25th April 2022 to the LARRAA CPIRT. Thus, the acquisition process was completed.

19. In such circumstance, the objection filed by the petitioners on the ground that on acquisition of land, they would be reduced to a landless/marginal farmer cannot be considered. Moreover, the instant writ petition is vitiated by delay and latches. In support of his contention, they refers to a decision of the Hon'ble Supreme Court in *Swaika Properties (P) Ltd. v. State of Rajasthan*, reported in (2008) 4 SCC 695.

20. In the aforesaid case, a preliminary objection was



taken by the respondents to the effect that the appeal is liable to be dismissed on the ground of delay and laches on the part of the appellants to challenge the acquisition proceedings. Secondly, acquisition of land cannot be challenged after taking over of the possession and after the Award having become final. The Hon'ble Supreme Court relied on the decisions in *Municipal Corpn., Greater Bombay v. Industrial Development Investment Co. (P) Ltd.*, reported in (1996) 11 SCC 501 and relied on paragraphs nos. 29 and 35 of the said judgment, which are reproduced below:-

“29. It is thus well-settled law that when there is inordinate delay in filing the writ petition and when all steps taken in the acquisition proceedings have become final, the Court should be loath to quash the notifications. The High Court has, no doubt, discretionary powers under Article 226 of the Constitution to quash the notification under Section 4(1) and declaration under Section 6. But it should be exercised taking all relevant factors into pragmatic consideration. When the award was passed and possession was taken, the Court should not have exercised its power to quash the award which is a material factor to be taken into consideration before exercising the power under Article 226. The fact that no third party rights were created in the case is hardly a ground for interference. The Division Bench of the High Court was not right in interfering with the



discretion exercised by the learned Single Judge dismissing the writ petition on the ground of laches.

35. It is trite to observe that before the planning proposals for Bandra-Kurla Complex were finalised and published by the State of Maharashtra on 3-5-1979, the requisite statutory procedure of Section 40 sub-section 3(d), was necessarily followed by the Special Planning Authority and that happened between 7-3-1977 and 3-5-1979. To recapitulate as per Section 40 sub-section 3(d) of the MRTP Act before submitting planning proposals to the State Government, the Special Planning Authority has to carry out survey of the land and to prepare existing land-use map of the area, and to prepare and publish the draft proposal for the lands within its jurisdiction together with a notice in the Official Gazette and local newspapers in such manner as the Special Planning Authority may determine. It has also to invite objections and suggestions from the public within the period of not more than 30 days from the date of notice in the Official Gazette. Thus these proposals are to be published not only in the Official Gazette but in local newspapers also. It is, therefore, obvious that the proposals for changing the reservations of the lands concerned in the area and shifting of the sewage plant from Block 'H' to Block 'A' in the planning proposal for Bandra-Kurla Complex were published by the Special Planning Authority prior to 3-5-1979 and after 7-3-1977 when that authority was constituted. When such proposals



got published in local newspapers it is too much for the respondent-writ petitioners to submit that they never knew about these proposals and they came to know about these proposals only on 26-5-1983 when public notice was issued in *Times of India* regarding the approval of these proposals by the State Government. Even assuming that Respondents 1 and 2 might not have read the Government Gazette at least notices issued in local newspapers would not have escaped their attention in 1979. By 1979, therefore, Respondents 1 and 2 must have known or with due diligence would have known that there was a proposal to de-reserve their land from the earmarked purpose of extension of sewerage treatment plant of the Municipal Corporation. They may not object to such a favourable proposal but obviously they should be inquisitive enough to know as early as between 1977 and 1979 that the cloud on their land was getting lifted. Therefore, they would have been put to the enquiry as to what happened to this proposal and what was the final outcome thereof. Instead of bothering anyway about it, they just slumbered on and supported their claims for compensation before the Land Acquisition Officer under Section 9 of the Act, joined issues thereon in 1979 and onwards and allowed the award to be rendered as late as on 24-2-1983. Not only that they also allowed the possession to be taken by the Corporation on 4-3-1983 though of course it was symbolic possession as they were tenants in



possession. To add to this indolent conduct and connivance on the part of the respondent-writ petitioners, in these very acquisition proceedings, they filed reference application under Section 18 of the Land Acquisition Act on 7-4-1983 claiming additional compensation. Thus up to 7-4-1983 they had no objection to their land which had already got de-reserved for the extension of the sewage plant from being acquired and they concentrated on compensation only. It is their own case that even on 10-1-1986 there was a meeting of the Bombay Municipal Corporation Works Committee and in that meeting the members present had asked the Dy. Municipal Commissioner to make statement on certain queries raised by him and one of the queries was about absence of proposals to have extension of Sewage Purification Plant, Dharavi. This also shows that Respondents 1 and 2 were fully alive to the fact that there was no scope for extension of Dharavi Sewage Plant on their land. Despite all these facts within the knowledge of Respondents 1 and 2 they sat on the fence and allowed the acquisition proceedings to continue and reach their terminus and even after award was passed and possession was taken by the Municipal Corporation, they staked their claims only for additional compensation. It is only thereafter that they filed writ petition on 14-7-1983. Such a belated writ petition, therefore, was rightly rejected by the learned Single Judge on the ground of gross delay and laches. The respondent-writ petitioners can be



said to have waived their objections to the acquisition on the ground of extinction of public purpose by their own inaction, lethargy and indolent conduct. The Division Bench of the High Court had taken the view that because of their inaction no vested rights of third parties are created. That finding is obviously incorrect for the simple reason that because of the indolent conduct of the writ petitioners land got acquired, award was passed, compensation was handed over to various claimants including the landlord. Reference applications came to be filed for larger compensation by claimants including writ petitioners themselves. The acquired land got vested in the State Government and the Municipal Corporation free from all encumbrances as enjoined by Section 16 of the Land Acquisition Act. Thus right to get more compensation got vested in diverse claimants by passing of the award, as well as vested right was created in favour of the Bombay Municipal Corporation by virtue of the vesting of the land in the State Government for being handed over to the Corporation. All these events could not be wished away by observing that no third party rights were created by them. The writ petition came to be filed after all these events had taken place. Such a writ petition was clearly stillborn due to gross delay and laches. I, therefore, respectfully agree with the conclusion to which my learned brother Ramaswamy, J. has reached that on the ground of delay and laches the writ petition is required to be dismissed and the appeal has to be



allowed on that ground.”

21. The Hon’ble Supreme Court also relied on the decision in the *State of Rajasthan v. D.R. Laxmi*, reported in *(1996) 6 SCC 445* and *Municipal Council, Ahmednagar v. Shah Hyder Beig*, reported in *(2000) 2 SCC 48* and came to the conclusion that the writ petition having being filed after taking over the possession and the Award having become final, the same deserves to be dismissed on the ground of delay and latches. Accordingly, the orders of the learned Single Judge and that of the Division Bench are affirmed to the extent of dismissal of the writ petition and the special appeal without going into the merits thereof. Same view was reiterated in a subsequent judgment in *Andhra Pradesh Industrial Infrastructure Corpn. Ltd. v. Chinthamaneni Narasimha Rao*, reported in *(2012) 12 SCC 797*.

22. Thus, it is submitted by the learned senior counsel on behalf of the petitioners that at this stage Section 15(1) or 15(2) of 2013 Act is not applicable and only remedy available to the petitioners are by way of reference to the authority under Section 64 of the 2013 Act, challenging the Compensation and Award.

23. Having heard the learned senior counsels for the parties and on careful perusal of the entire materials on record,



including the Division Bench judgment, passed in CWJC No. 22386 of 2019, this Court finds that the Division Bench directed respondent no.2, namely, the District Magistrate, Purnea to either himself or ensure the authorized person to conclude the proceedings positively within a period of 45 days, unless, of course, the law mandates it to be done otherwise. In any way, it must be completed within the prescribed time limit (emphasis implied).

24. When Section 15(2) of 2013 Act read with Rule-6 clearly states that an objection is required to be disposed of by the appropriate government, the Collector had no power to reject the objection vide impugned order dated 29th March 2022.

25. I am not unmindful to note that the process of acquisition is complete and only the case is pending for disbursement of compensation. On perusal of the impugned order, this Court also finds that no objection was raised by the petitioners within the parameters of Section 15(1)(a) to (c).

26. Be that as it may, he is not the competent person to reject the application. It is the appropriate Government, who is empowered to reject the application. The duty of the Collector is to make an inquiry on the objection made by the petitioners and to refer the matter along with his report to the appropriate Government. Since, the process as contemplated in Section 15



of 2013 Act and Rule-6, the impugned order is liable to be quashed.

27. At the same time, this Court makes it clear that the petitioners cannot raise any objection with regard to the acquisition of the land in question, which has already been handed over to the Acquiring Authority.

28. The appropriate Government shall only consider as to whether the possession of the petitioners would be reduced to a landless/marginal farmer after acquisition of their land and in such case beside the compensation, the appropriate Government shall also take steps for rehabilitation of the petitioners. The entire process shall be completed within 45 days from the date of communication of this order.

29. With the above order and to the above extent, the writ petition is allowed on contest. There shall, however, be no order as to cost.

(Bibek Chaudhuri, J)

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