

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14272 of 2018

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1. Ranjeet Kumar @ Ranjeet Kumar Yadav Son of Late Laxmi Narayan @ Laxmi Narayan Yadav @ Laxmi Prasad.
 2. Shyam Narayan Yadav @ Shyam Narayan Son of Late Babulal Yadav @ Babulal Gope.
 3. Rajendra Yadav @ Rajendra Prasad Yadav, Son of Late Babulal Yadav @ Babulal Gope
 4. Pramod Yadav @ Pramod Kumar @ Pramod Kumar Yadav, Son of Late Babu Lal Yadav @ Babulal Gope, All resident of Shahadara, Ramdhani Road, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum Collector, Patna.
3. The District Magistrate cum Administrator, Bihar State Agricultural Marketing Board, Patna.
4. District Land Acquisition Officer, Patna.
5. Land Acquisition Officer, Bihar State Agricultural Marketing Board, Patna.
6. Special Officer cum S.D.M. Bihar State Agricultural Marketing Board, Patna.
7. Sub Divisional Officer, Patna City District- Patna.
8. Deputy Collector Land Reforms, Patna City, District- Patna.
9. Circle Officer, Sadar Patna, District Patna.
10. Secretary, Public Works Department, Govt. of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna, Biha
11. Managing Director, Bihar State Tourism Development Corporation, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar, Advocate
For the Respondent/s	:	Mr.Md.Khurshid Alam -AAG12
For B.S.T.D.C.	:	Ms. Anukriti Jaipuriyar, Advocate
		Mr. Rajnikant Kumar, Advocate
		Ms. Priti Mahato, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-05-2025

Heard learned counsel for the petitioners, learned
counsel for the State, and learned counsel for the Bihar State



Tourism Development Corporation.

2. Interlocutory Application No. 01 of 2019 has been filed seeking permission to incorporate an additional paragraph in the writ petition, wherein the petitioners seek a stay on the construction work being carried out on their land. The construction was initiated pursuant to a general order dated 11.06.2019, issued by the Sub-Divisional Magistrate (S.D.M.), Patna City, vide Letter No. 374.

3. Learned counsel for the petitioners submits that a general order for removal of encroachment from the petitioners' specific land was passed by the S.D.M., Patna City, through Letter No. 374 dated 11.06.2019. Pursuant to the said order, construction activities commenced on 12.06.2019 on the petitioners' land. He further submits that the S.D.M., Patna City, in the aforementioned order, stated that he had been informed by the Chief Engineer, Building Construction Division, Bihar, Patna, that a portion of the south-western part of the Prakash Punj Udyan, located at Katra Bazar Samiti near Gurubagh, Patna City, had been encroached upon. Learned counsel also submits that a stay was earlier granted on the order passed by the S.D.M., Patna City.

4. Learned counsel for the State submits that no



interference is warranted with respect to the order dated 11.06.2019 issued by the S.D.M., Patna City, as the land in question was the subject of proceedings under the Land Acquisition Act, 1894, against the father of the petitioners, and the compensation amount has already been deposited. He further submits that the writ petition was filed in the year 2019, and it is now 2025; the directions contained in the order of the S.D.M. have already been implemented, and the boundary wall has since been constructed.

5. In response, learned counsel for the petitioners acknowledges that while the boundary wall has indeed been constructed, it has been done so by way of encroachment.

6. In light of the fact that the construction has been completed and the order of the S.D.M. has been complied with, this Court finds that Interlocutory Application No. 01 of 2019 has become infructuous due to prolonged pendency. Accordingly, the said application is dismissed as having become infructuous.

7. So far as the merits of the present writ petition are concerned, learned counsel for the petitioners submits that a direction may be issued to the respondent authorities to stop the acquisition process and to transfer ownership of the land in



question to the petitioners. The land, situated at Simli Murarpur, Patna City, District Patna, measures 94 decimals, comprising 79 decimals in Khata No. 743, Khesra No. 1455, and 15 decimals in Khata No. 768, Khesra No. 1456. The petitioners contend that the respondent authorities have illegally claimed the said land for organizing 'Prakash Punj Udyan', despite the acquisition proceedings under the Land Acquisition Act, 1894, having lapsed. A further prayer has been made for appropriate monetary compensation, as the petitioners have been deprived of their means of livelihood from the said cultivable land since 1976. The petitioners have also sought any other relief, order, or direction to which they may be legally entitled.

8. Learned counsel for the petitioners submits that the land acquisition process for the construction of the Marufganj Agricultural Marketing Yard and related buildings in Village Simli Murarpur was initiated in the year 1976 by the Land Acquisition Officer, Bihar State Agricultural Marketing Board, Punaichak, Patna-23. In furtherance of the same, Declaration No. 439 dated 20.04.1976 was published on pages 1 and 2 of Part II of the District Gazette dated 01.05.1976, under Section 6 of the Land Acquisition Act, 1894. Pursuant to this declaration, Award No. 8 was prepared for the acquisition of 94 decimals of



land belonging to the petitioners, comprising 79 decimals in Kheshra No. 1455 of Khata No. 743, and 15 decimals in Kheshra No. 1456 of Khata No. 768, for which compensation of Rs. 26,657/- was assessed. The land is situated in Mauza Simli Murarpur, under Tauzi Nos. 222 and 228 and P.S. No. 38. He further submits that under the same declaration, Award No. 9 was prepared for land belonging to Baso Gope and others, involving 25.5 decimals in Kheshra No. 1455 (Khata No. 743) and 2 decimals in Kheshra No. 1457 (Khata No. 773), for which Rs. 8,538.75 was determined as compensation. It is further submitted that notice under Section 4(1) of the 1894 Act was never served upon the landowners/interested persons. Subsequently, Awardee No. 9 filed an objection, disputing the land covered under Award No. 8. As a result, the District Magistrate-cum-Collector, Patna, vide order dated 06.02.1979, referred the matter to the Civil Court for adjudication under Section 30 of the Land Acquisition Act, 1894, with respect to title and possession disputes between Awardees No. 8 and No. 9. In compliance with the Collector's order, the Land Acquisition Officer referred L.A. Case No. 914/1976, arising from Declaration No. 439, involving Babulal and others (Awardee No. 8) and Raja Ram Yadav and others (Awardee No. 9) to the



Land Acquisition Judge-I, Patna, with a note that compensation amounts of Rs. 26,657/- and Rs. 8,538.75 under Awards No. 8 and 9 respectively had not been disbursed.

9. Learned counsel further submits L.A. Case No. 318/1979 was initiated before the Land Acquisition Judge, Patna, to adjudicate the dispute regarding title and possession of the disputed land. In this case, Babulal Gope and Laxminarayan @ Laxminarayan Yadav, both sons of Ram Ratan Bhagat, represented Awardee No. 8, while Baso Gope, son of Raja Ram Gope, and others represented Awardee No. 9. Babulal Gope passed away in 1979, and the case continued through Laxminarayan until his death in 2005. Since then, neither Awardee No. 8 nor Awardee No. 9 has pursued the case further, and it remains pending and inactive to date. This prolonged inaction is attributed to a lack of knowledge and awareness on the part of the heirs of Awardee No. 8.

10. Learned counsel further submits that the petitioners, who are heirs of Awardee No. 8, include petitioner no. 1, Ranjeet Kumar @ Ranjeet Kumar Yadav (only son of Laxminarayan) and petitioners no. 2 to 4 (sons of Babulal Gope). The petitioners have always believed the land in question to be their lawful property. This belief was further



reinforced in 2014, when a political rally (Sankalp Rally) was held on the said land with the No Objection Certificate (NOC) being taken from the petitioners by the then S.D.M., Patna City. Similarly, for organizing the Prakash Parv, the Superintendent of Takht Sri Hari Mandir Ji, Patna Sahib, Prabandhak Committee also obtained an NOC from the petitioners. Learned counsel further submits that whenever the petitioners attempted to cultivate the land for their livelihood, they were obstructed by a caretaker/in-charge acting under the repealed Bihar Agricultural Produce Market Act, 2006, at the behest of the S.D.M., Patna City, who was appointed as the Special Officer under the Bihar Agricultural Produce Market (Repeal) Act, 2006.

11. Learned counsel for the petitioners further submits that following the repeal of the Bihar Agriculture Produce Market Act, 1960 by the Bihar Agriculture Produce Market (Repeal) Act, 2006 (Bihar Act 23 of 2006), the Standing Land Acquisition Officer of the Bihar State Agricultural Marketing Board, Patna, ceased to hold authority. In accordance with Rules 2 and 3(ii) of the said Repeal Act, the Special Officer and Administrator are deemed to be the competent authority for purposes of concluding proceedings initiated under the repealed



Act as if they were the designated authority under the former legislation. It is further submitted that neither the repealed Land Acquisition Act, 1894, nor the existing Land Acquisition Act, 2013 provides any authority or right to take possession of the petitioners' land either by the objector or by the State authorities acting on behalf of the defunct Marketing Board. In view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013), possession of the land must legally remain with the petitioners.

12. Learned counsel further submits that the petitioners hold valid right, title, and possession over 1 acre 2 decimals of land situated in Kheshra Nos. 1455 and 1456, comprising 87 decimals and 15 decimals, respectively, as freehold raiyats. However, the land acquisition declaration was erroneously made for only 94 decimals—specifically, 79 decimals in Kheshra No. 1455 and 15 decimals in Kheshra No. 1456. The petitioners further submits that rightful title and possession over 3 decimals of land in Kheshra No. 1457, thereby bringing the total extent of land under their possession to 1 acre 5 decimals. The land was originally acquired by the petitioners' ancestors by way of a registered sale deed bearing



No. 101 dated 24.07.1947, executed by vendor Abdul Razaque in relation to Kheshra No. 1455. Additionally, 44 decimals were settled in their favour by Bibi Umhani in the year 1935 under the Bihar Tenancy Act, 1885, for which rent was regularly paid to the then landlord, Bibi Umhani.

13. In light of the above background, learned counsel further submits that the respondents have demonstrated gross negligence and oversight by limiting the acquisition declaration under Award No. 8 to only 94 decimals, despite the petitioners having title over 1 acre 2 decimals in the relevant Kheshra. It is further submitted that the respondents have failed to comply with the procedural mandates under the Land Acquisition Act, 2013, and have not disposed of the petitioners' representations in accordance with the provisions of the said Act. As a result, the petitioners have been constrained to approach this Hon'ble Court through the present writ petition.

14. Learned counsel for the State, on the other hand, submits that the present writ petition is liable to be dismissed on the ground of delay and laches. He submits that, as per the records of land acquisition, Land Acquisition Case No. 9/V/1976 was instituted in respect of the land in question. The records further indicate that the compensation amounts of Rs.



26,657/- and Rs. 8,538.75/-, totaling Rs. 35,195.75/-, were duly deposited in the treasury on 14.02.1978. It is further submitted that the acquisition process was initiated through proper issuance of notices to the interested parties, and the notice was received by one Pramod Kumar on behalf of Babu Lal on 20.05.1976, as evident from Annexure-B to the counter affidavit. Learned counsel also submits that although L.A. Case No. 318 of 1979 was admittedly initiated before the Land Acquisition Judge, Patna, the petitioners themselves have stated in paragraphs 12 to 15 of the writ petition about the said case, yet no documentary evidence has been produced on record to establish its proceedings or final outcome. It is further contended that the dispute appears to be between the awardees themselves concerning title and possession over the disputed land, and due to this internal dispute, the compensation amounts were not received. Learned counsel further submits that the petitioners have failed to pursue the matter diligently for over four decades, and it was incumbent upon them to bring on record the status or final decision of L.A. Case No. 318 of 1979.

15. Learned counsel for the State further submits that in such circumstances, the delay and laches lie entirely with the petitioners, and no fault can be attributed to the State. Therefore,



it is contended that the acquisition proceedings cannot be held to have lapsed, and as such, no relief or benefit can be granted to the petitioners in this writ petition.

16. After hearing learned counsel for the petitioners and learned counsel for the State, and upon perusal of the records, this Court finds that the process of land acquisition had indeed been initiated in accordance with law. An award under Section 11 of the Land Acquisition Act, 1894, was rightly prepared with respect to the land in question under Declaration No. 439 dated 20.04.1976. Specifically, Award No. 8 was prepared for the acquisition of 94 decimals of land, comprising 79 decimals in Kheshra No. 1455, Khata No. 743 and 15 decimals in Kheshra No. 1456, Khata No. 768, for which compensation of Rs. 26,657/- was assessed. This land falls under Mauza Simli Murarapur, Patna City. Award No. 9 was prepared for the acquisition of land belonging to other individuals, for which an additional Rs. 8,538.75/- was calculated as compensation.

17. From the pleadings of both parties and the records on file, it is evident that objections were raised by the respective awardees of Award Nos. 8 and 9 regarding title and possession of the disputed land. As such, the District Magistrate-cum-



Collector, Patna, in accordance with Section 30 of the Land Acquisition Act, 1894, referred the matter for adjudication to the competent Civil Court, as the provision mandates that where a dispute arises amongst claimants to compensation, the Collector shall refer the matter to the Civil Court for determination. Accordingly, Land Acquisition Case No. 318 of 1979 was instituted before the Land Acquisition Judge, Patna, between the claimants under Award No. 8 and Award No. 9. This fact has also been admitted by the petitioners. The legal position is well-settled that when such a dispute is referred to the Civil Court, the compensation amount deposited before the competent authority shall not be disbursed to any party until the final adjudication of such reference. From Annexure-11, as well as other documents annexed by the petitioners, it further transpires that Land Acquisition Case No. 914 of 1976 formed the basis for the reference due to mutual claims and counterclaims between the parties, with awardees under Award No. 8 asserting claims over the land included in Award No. 9, and vice versa. Given this context, a valid and lawful reference under Section 30(2) of the Land Acquisition Act was made. Moreover, a letter dated 27.03.1979, issued by the Land Acquisition Officer, Bihar State Agricultural Marketing Board, Patna, which has been



placed on record by the petitioners themselves, corroborates the
above findings, which is as under :-

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L.A. 318/79

No. 338
Memo.

To: L.A. dated 27.3.1979
Land Acquisition Officer,
Bihar State Agri. Marketing Board,
Pusaichak, Patna-23.

From: The Land Acquisition Judge L. Patna

Subj: L.A. Case No. 914/76 Acquisition of land for const. of Muruganj Agri Market yard &
Building in.. Village Simah Murapur.

Sir,

I am to say that the land has been acquired for the above purpose under declaration no.
439 dated 20.4.76 published at page 1-2 part II of the District Gazette dated 1.5.76.
Sri Babulni & Others for award no. 8 and Sri Raju ram Yadav for award no. 9 has not
been paid the amount of compensation money amounting to Rs. 26687.00 and Rs. 8,538.75
respectively for the acquired land and suo moto reference petition of the L.A. Act.
The marginally noted papers are sent herewith for necessary action.

Yours Faithfully,
Sd/-Meghola
Land Acquisition Officer,
Bihar State Agri. Marketing
Board, Patna.

1. Original petition of
Sri
2. Reference statement
3. Extract copy of Award
4. Stamp for process Fee of Rs. 3/-
Memo no. L.A. Dated 87
Copy with copy of the following documents forwarded to C.P. for
information and necessary action.

1. Copy of petition u/s of
the L.A. Act.
2. Reference Statement
3. Extract copy of award

Land Acquisition
Bihar State Agri. Marketing
Board, Patna

*Type Copy of its original

Sd/-
21/5/79

WEB COPY

18. It is evident that both amounts, Rs. 26,657.00/- and Rs. 8,538.75/- are the subject matter of a *suo motu* reference under the provisions of the Land Acquisition Act. This clearly indicates that the State authorities had already tendered the compensation in compliance with the acquisition proceedings. However, due to a dispute arising between the awardees of Award No. 8 and Award No. 9 concerning the title and possession of the acquired land, the Land Acquisition Authority rightly withheld disbursement of the compensation, making it contingent upon the final adjudication of L.A. Case No. 318 of 1979. It is admitted by learned counsel for the petitioners that, for various reasons, the said case could not be concluded. Consequently, the petitioners have approached this Hon'ble Court, primarily relying on the assertion that their consent was taken by the Sub-Divisional Magistrate (SDM), Patna City, for organizing public functions, including a political rally and the celebration of Prakash Parv. This Court finds it surprising that while the petitioners assert that the State sought their consent for such events implying acknowledgment of their possession they simultaneously seek a direction from this Court for restoration of possession over the said land. These inconsistent and contradictory pleadings weaken the petitioners' case and reflect



a lack of legal clarity in the relief sought.

19. After hearing the parties and perusing the materials on record, this Court is of the considered view that the present matter does not pertain to a challenge to the land acquisition process itself, but rather to an *inter se* dispute between the awardees of Award No. 8 and Award No. 9. The said dispute was rightly referred by the Land Acquisition Officer under Section 30 of the Land Acquisition Act, 1894, to the competent court, and is currently pending as L.A. Case No. 318 of 1979 before the Land Acquisition Judge, Patna.

20. It is undisputed that the original awardees have since passed away, but their legal heirs are still entitled to pursue the matter.

21. In view of the aforesaid background, this writ petition stands disposed of with liberty to the petitioners to take appropriate steps to trace and revive L.A. Case No. 318 of 1979 before the Trial Court, pursue adjudication on merits, and thereafter seek realization of the compensation amount before the Land Acquisition Judge in accordance with law. It is further directed that at the time of final adjudication, the Land Acquisition Court shall also consider and decide the issue of interest payable on the compensation amount, in accordance



with the applicable provisions of law, in favour of the party ultimately found entitled to the same.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	08/05/2025
Transmission Date	NA

