

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.518 of 2026

1. Md. Mirza Ghalib Son of Late Md. Mohsin Raza resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
2. Md. Mobin, Son of Late Shamsul Haque, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
3. Rukhasana, Wife of Late Md. Mohsin Raza resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
4. Nikhat Parween, daughter of Late Md. Mohsin Raza, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
5. Anwari Khatun, Wife of Md. Sajjad, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
6. Saba Parween, Daughter of Late Md. Mohsin Raza, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
7. Nasrulla Raza @ Nasula Raza, Son of Late Md. Mohsin, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
8. Sahara Begum, Wife of Md. Mahmood, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.
9. Mehar Nigar @ Mehar Parween, daughter of Late Md. Mohsin Raza, resident of Village- Kanharia, Panchayat- Majagama, P.O.- Kanharia, P.S.- Dagarua, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Building Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Building Construction Department, Government of Bihar, Patna.
3. Chief General Manager, Bihar State Building Construction Corporation Limited, Patna.
4. The Director of Bihar State Building Construction Corporation Limited, Patna.
5. District Magistrate cum Collector, Purnia, District- Purnia.
6. District Land Acquisition Officer, Purnia.
7. The Sub-Divisional Officer, Baisi, Sub-Division- Baisi, District- Purnia.
8. The Circle Officer, Dagarua, District- Purnia.
9. Sub-Divisional Police Officer, Baisi, Sub-Division- Baisi, Purnia.
10. SHO of Baisi Police Station, Baisi, Purnia.
11. District Panchayat and Rural Development Officer, Purnia.



III. During pendency of this writ application stay the order dated 20-05-2025 issued under memo no. 2091 by the respondent no.3.

IV. Grant any other relief(s) as petitioners are entitled in the facts and circumstances stated in this writ application.”

3. Learned counsel appearing on behalf of petitioners submitted that the details of the land of petitioners have been given in the para-5 of the writ petition, which is as below;

“5. That the land situated at mauza Kanharia, Thana No. 438, Khata No. 447, plot no. 866, area-2.80 acres was Khatiyani/Record of Right in the name of Md. Hussain, son of Bhukhan Ali, resident of Village-Kanharia, PS.-Dagarua, District -Purnia. The lands in question as described herein before were raiyati land of Md. Husain. Jamabandi No. 447 of lands in question was created in the name of Md. Hussain and rent/malguzari of the land was regularly paid by Md. Hussain during his lifetime, and after his death, his heirs/legal representatives are paying rent/malguzari of lands in question to the State of Bihar. recorded in the Continuous.”

Learned counsel submitted that the petitioners are descendants of Late Md. Hussain and the information to that extent has been given in para 8 of the writ petition. The petitioners are aggrieved by the construction of football stadium on their land, total area measuring 2.80 Acres, without having been acquired as per the provision of law as contained in the Bihar Land Reforms Act, 1950, as no public notice was published in accordance with Section 4 of the said Act nor any objection was invited from the public, particularly in respect of



the present petitioners, who are the recorded *Raiyat* and are paying required rent to the State Government for which the petitioners have produced several rent receipts annexed with present writ petition. He further submitted that the petitioners are entitled for due compensation in accordance with right to file the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013** as amended upto date, four times as per the market value of the land. Learned counsel informs that the petitioners have already filed a detailed application before the Collector, Purnia, Circle Officer Dagarua, Purnea and Member of Parliament on 19.12.2025, 21.12.2025 and 27.12.2025, respectively, but no action has been taken by him by directing the District Land Acquisition Officer, concerned to make payment of the required compensation of the petitioners in lieu of land acquired for the purpose of construction of football stadium. Learned counsel informs that recently the Bihar State Building Construction Corporation Limited (BSBCCL) has proceeded with the construction work in accordance with an Open e-Tender no.14 of 2025-26 issued under the signature of General Manager, Bihar State Building Construction Corporation Limited (BSBCCL).



4. Mr. Sudhanshu Shekhar, learned AC to SC-24 has tendered his appearance on behalf of the State and referring to the *Khatiyar* which has been brought on record by way of Annexure – P/2, submitted that, the petitioner is not entitled for the due compensation. The land is recorded as football team, Kanharia, in the name of late Md. Hussain but the learned counsel has not denied that the petitioners who are the descendants of the late Md. Hussain are not paying rent to the Government.

5. Ms. Rushali, learned counsel representing Bihar State Building Construction Corporation Limited (BSBCCL) submitted that one of the descendants of Md. Hussain namely Naeemuddin (Respondent no.13) has given no objection in respect of his part of share and that will disentitle the petitioners from restraining the department from construction work as he is one of the legal heir of late Md. Hussain. She however, admits that corporation has no jurisdiction to make payment of required compensation to the petitioners. Learned counsel also gives information that apart from no objection the said Naeemuddin (Respondent no. 13) has not registered his part of share in the name of the Hon'ble Governor of Bihar if he has donated the said land to the State Government for the purpose of



construction of the football stadium.

6. Heard the parties.

7. The petitioners have claimed that they are the *Raiyati* land holders and they are descendants of the original Raiyat, whose name has been recorded in the *Khatiyani* namely Late Md. Hussain, the total area measuring 2.80 Acres. The petitioners' land have also been acquired for the purpose of construction of the football stadium for which the BSBCCCL has been authorised to proceed with the construction work and by publishing e-Tender notice, the Tender has been started in the name of one Lalit Narayan Mahto as informed by Ms. Raushali, learned counsel who has received instruction to that effect. Petitioners are aggrieved that due compensation is required to be paid as per the revised MVR (Minimum Value Register) in respect of the land in accordance with the provision of **RFCTLARR Act, 2013**. At this stage, I find it proper to quote the Article 300- A of the Constitution of India, which states that “*No person shall be deprived of his property save by the authority of law.*” The State cannot dispose a citizen of his property except in accordance with law and procedure prescribed. The obligation to pay compensation is not expressly included in Article 300-A of the Constitution of



India can be inferred in that Article. The law in this regard is well settled by the Apex Court in case of ***Vidaya Devi Vs. The State of Himachal Pradesh & Ors.*** reported in **2020(2) SCC 569**, I find it proper to quote the para-12.1 and 12.2 of the said judgment, which are *inter alia* reproduced hereinafter;

“12.1. The appellant was forcibly expropriated of her property in 1967, when the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property [State of W.B. v. Subodh Gopal Bose, (1953) 2 SCC 688 : AIR 1954 SC 92] , which could not be deprived without due process of law and upon just and fair compensation.

12.2. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491] in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1 : (2011) 4 SCC (Civ) 414]”

8. The Apex Court dealing with the similar facts where the State is required to make payment of due compensation in ***Tukaram Kana Joshi v. MIDC***, reported in **(2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491** has held as under;

“11. There are authorities which state that delay and laches extinguish the right to put forth a claim. Most of these authorities pertain to service jurisprudence, grant of compensation for a wrong done to them decades ago, recovery of statutory dues, claim for educational facilities and other categories of similar cases, etc. Though, it is true that there are a few authorities that lay down that delay and laches debar a citizen from seeking remedy, even if his fundamental right has been violated,



under Article 32 or 226 of the Constitution, the case at hand deals with a different scenario altogether. The functionaries of the State took over possession of the land belonging to the appellants without any sanction of law. The appellants had asked repeatedly for grant of the benefit of compensation. The State must either comply with the procedure laid down for acquisition, or requisition, or any other permissible statutory mode.”(emphasis supplied)

9. The proposition of law laid down in the case of ***Vidaya Devi (Supra)*** again reiterated by the Apex Court in the case of ***Sukhdutt Ratra & Anr. Vs. State of Himachal Pradesh & Ors.*** reported in ***2022LiveLaw(SC)347*** in which dealing with the right of a citizen enshrined under Article 300- A held that due compensation is required to be paid by the reiterating the law laid down by the Apex Court in the case of ***Tukaram Kana Joshi (Supra)***. The Apex Court held that the State must comply with the procedure for acquisition, requisition, or any other permissible statutory mode. The State being a welfare State governed by the rule of law cannot arrogate to itself a status beyond what is provided by the Constitution. Similar is the case in hand, I direct the appropriate authority to consider the grievances of the petitioners and make payments of due compensation well within a period of three months from the date of pronouncement of the order.

10. This Court, at this stage, refrain from stopping the construction work considering that the State Authorities



must abide by the rule of law and must not deny the due compensation which is required to be paid to the petitioners.

11. In case the petitioners are aggrieved in any manner they are at liberty to avail appropriate remedy in accordance with law.

12. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

U			
---	--	--	--

