

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2262 of 2026**

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1. Rajkumar Sinha @ Rajkumar Prasad S/o - Late Munshi Mahto, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
2. Subodh Kumar, S/o Sri Rambilash Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
3. Shivratan Singh, S/o- Late Janki Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
4. Chandeshwar Prasad S/o Late Hiranman Mahto, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
5. Chameli Kumari, W/o Late- Shivshankar Singh, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
6. Mithlesh Kumar, S/o Madho Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
7. Ramchandra Prasad, S/o- Late Badri Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
8. Rambilash Prasad, S/o - Late Badri Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
9. Kailash Prasad, S/o- Late Tulsi Mahto, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
10. Kamal Nayan Prasad, S/o- Late Yadunandan Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
11. Bhagwat Prasad, S/o Late Ramkeshwar Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
12. Bharat Prasad Sinha, S/o Late Murat Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
13. Dharambir Kumar, S/o - Sri Ramchandra Prasad, Resident of village- Shankarpur Jhama, P.O. - Daruara, P.S.- Noorsarai, District- Nalanda.
14. Umashankar Paswan, S/o Late Mahadev Paswan, Resident of village-Saidi, P.O. and P.S.- Noorsarai, District- Nalanda.
15. Lakhandev Paswan, S/o Late Mahadev Prasad, Resident of village-Saidi, P.O. and P.S.- Noorsarai, District- Nalanda.
16. Ram Naresh Prasad, S/o Late Ram Prasad Mahto, Resident of village- Jalalpur, P.O. and P.S.- Noorsarai, District- Nalanda.
17. Shatrughan Prasad, S/o Late Ram Nandan Ram, Resident of village- Jalalpur, P.O. and P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue and Land Reforms, Govt. of Bihar.
2. The Collector, Nalanda at Biharsharif.



3. The District Land Acquisition Officer, Nalanda at Biharsharif.
4. Bihar State Bridge Construction Corporation Manglas Road, Patna - 1, through its Managing Director.
5. The Circle Officer, Noorsarai Circle, District- Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar  
For the Respondent/s : Mr. Piyush Kumar Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      10-02-2026                      Heard learned counsel appearing on behalf of the petitioners; Mr. Piyush Kumar Pandey, learned counsel for the respondent/s. However, no one appears on behalf of the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

*“1. That the petitioners have filed this writ petition for direction/directions, writ/writs to the respondents authorities to give adequate and proper compensation to the petitioners or the land acquired for construction of Salepur to Rajgir (Bodh Circuit Path) Noorsarai Ahiyapur Silao NH-82 road at the rate of Rs. 30,000/- per decimal as the nature of the land of the petitioners at present changed from dhanhar to residential/ commercial as stated in Paragraph 5 of this writ petition.*

*AND/OR*

*Pass such other order/orders as your lordship may deem fit and proper”*

3. Brief Facts of the case is that the State of Bihar has undertaken the construction of Salepur to Rajgir (Bodh Circuit Path) via Noorsarai–Ahiyapur–Silao NH-82 and for



construction of the said road, several plots of land belonging to the petitioners situated at Mauza–Jhama, Thana No. 60, P.S.–Noorsarai, District–Nalanda have been acquired by the State authorities. The Collector, Nalanda issued notices to the petitioners in Land Acquisition Case No. 24 of 2025-26, assigning different award numbers and determining compensation amounts for their respective lands. The petitioners are the owners and are in possession of their respective lands, which is duly supported by separate land rent receipts and other title documents. As per the Resolution of the State of Bihar, a multiplier of 2 is applicable for lands situated within a 10-kilometre area. The petitioners' lands fall within the said 10-kilometre radius and are therefore entitled to compensation calculated by applying the multiplier of 2. Similarly situated land at Mauza–Shankarpur Jhama, P.S.–Noorsarai, District–Nalanda, Survey Plot No. 490 under Khata No. 14, measuring 3.25 decimals, was sold by Soniya Devi to Lila Devi vide sale deed dated 10.06.2022 for Rs. 65,000/-, i.e., at the rate of Rs. 20,312/- per decimal in the year 2022, which reflects the prevailing market value of the land in the locality. The Minimum Value Register (MVR) is due for revision after 10 years as per rules. The MVR ought to have been revised in the



year 2023, but the same has not been properly revised, resulting in undervaluation of the acquired land. The petitioners submitted a representation dated 03.10.2025 before the Collector, Nalanda and the Land Acquisition Officer, Nalanda, seeking payment of adequate and lawful compensation.

4. Learned counsel appearing on behalf of petitioners submitted that in spite of the award in respect of the petitioners has been prepared in connection with Land Acquisition Case No.24 of 2025-26 the petitioners have not been paid due compensation till date.

5. Learned counsel submitted that petitioners are entitled for the compensation at the current Minimum Value Register (MVR) existing in the area and supported his claim by placing reliance on the resolution no. 1143 dated 23.10.2018 (Annexure – P/3) which has been issued by the State Government under the authority of the Governor of Bihar, which prescribes for the calculation of the value of the land in respect of those lands which are situated in the peripheral area of either in Municipal Corporation and Nagar Panchayat in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as well as, in the



light of the said resolution. The petitioners in this regard has brought the Minimum Value Register (MVR) of the land which is adjoining to the petitioners land and that is Rs.65000, Area 3.25 dismil in respect of Plot no.490, Khata No.14, in respect of Khata No. 09,10,11 etc.

6. Learned counsel appearing on behalf of petitioner submitted that as per the multiplier Minimum Value Register (MVR) should be revised after ten years which should have been revised in the year 2023 in respect of the petitioners in connection with Land Acquisition Case No.24 of 2025-26.

7. *Per contra*, Mr. Piyush Kumar Pandey, learned counsel for the Bihar State Bridge Construction Corporation submitted that no information has been given in the pleadings made in the present writ petition, as to whether, the petitioners approached the Land Acquisition Officer, Nalanda with a prescribed format and a common application has been made on 03.10.2025 by all the writ petitioners which is not in the prescribed format. The petitioners before exercising their right straight away filed the present writ petition, which is premature and fit to be dismissed by this Court.

8. Having considered the rival submissions made on behalf of the parties, as well as, having perused the records I



find that in respect of land as prescribed in para 3 relating to the petitioners and the copies of awards in case of individual petitioners (Annexure-1 series) the petitioners have claimed that they have not received the award which has been prepared at less amount and as such they refused to receive the reward and they made an application before the Land Acquisition Officer for making payment of award at the rate of Rs.65000X4=260000 per dismil as per the Government Resolution No.1143 dated 23.10.2008. Law in this regard is well settled by the Apex Court in case of ***Indore Development Authority vs Manoharlal And Ors.*** reported in ***AIR 2020 SC 1496*** which is reproduced hereinafter:

*“366. In view of the aforesaid discussion, we answer the questions as under:*

*366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.*

*366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.*

*366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.*

*366.4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit*



*is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.*

**366.5.** *In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.*

**366.6.** *The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).*

**366.7.** *The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).*

**366.8.** *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

**366.9.** *Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.*



9. At the same time I find that the petitioners have not availed remedy as per Section 4 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 and the petitioners are at liberty to file a fresh representation before the concerned authority in accordance with the Act and get their land converted into commercial or residential land as per the physical verification of the land and make payment of the required conversion fee. However, the provision of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 will not come in the way of the Land Acquisition Officer concerned and District Magistrate concerned in making payment of the amount of compensation. The Minimum Value Register (MVR) as on date which has been notified by the State Government prescribes the rate and considering the Government Resolution No.1143 dated 23.10.2008, the Land Acquisition Officer is directed to provide all the requisite forms to the petitioners and if the petitioners request the Land Acquisition Officer then in that case the Land Acquisition Officer must provide all the help to the petitioners in filing the form and making payment of the compensation to the petitioners to which they are entitled.

10. Accordingly, the present application stands



disposed of.

(Purnendu Singh, J)

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