

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2738 of 2026

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Nirnimesh Kumar Son of Kapeswar Prasad Singh, Presently residing at House No. 80, Siddharth Niketan, Sector 14, Kaushambi, Sahibabad, Ghaziabad, Uttar Pradesh 201010, Permanent address - Village- Mor, P.S. Mokama, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Union of India, through Principal Secretary, Ministry of Railways, Government of India.
3. Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. Urban Development and Housing Department, through the Principal Secretary, Government of Bihar, Patna.
5. Commissioner, Patna Division, District- Patna.
6. District Magistrate-cum-Collector, Patna.
7. District Land Acquisition Officer, Patna.
8. The Administrator, Rehabilitation and Resettlement Authority, Patna, Bihar.
9. Circle Officer, Sadar, District- Patna.
10. The General Manager, East Central Railway, Hajipur, Vaishali, Bihar 844101.
11. The Divisional Railway Manager, Danapur Division, East Central Railway, DRM Office, Danapur, Patna, Bihar 801105.
12. Chief Engineer, Project Director, Neura-Daniyawa Railway Line Project.
13. District Treasury Officer, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ankit Griyaghey, Advocate Mr. Harshit Griyaghey, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC 28

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-02-2026

Heard Mr. Ankit Griyaghey along with Mr. Harshit Griyaghey, learned counsels appearing on behalf of the petitioner and Mrs. Binita Singh, learned SC 28 for the State.



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

“1. That the petitioner seeks kind indulgence of this Hon'ble court for the following relief(s):

a. For issuance of a writ in the nature of certiorari for quashing the acquisition proceedings initiated vide notification dated 29.04.2006 under Section 4 of the Land Acquisition Act, 1894 (as amended by Bihar Act 11 of 1961) and to hold that the acquisition process stand lapsed in respect of petitioner's land in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "2013 Act") or otherwise governed by the provisions of 2013 Act as neither compensation/award was paid nor possession was taken for more than five years prior to 01.01.2014, the date of commencement of the 2013 Act.

b. For issuance of a writ in the nature of certiorari for quashing the unlawful and arbitrary award dated 03.09.2025 prepared in the year 2025 under the repealed Land Acquisition Act, 1894 (hereinafter referred to as the "1894 Act") as the same is without jurisdiction after coming of the 2013 Act, violative of Articles 14, 21 and 300-A of the Constitution and contrary to binding precedents of the Hon'ble Supreme Court.

c. For issuance of a writ in the nature of mandamus directing the respondents to prepare compensation/award afresh strictly in accordance with the provisions of the 2013 Act and in terms of the recent Supreme Court judgments wherein it has been held that if the award is prepared after undue delay, the land owners shall be compensated at the current market rate with all consequential benefits as per the law.

d. For issuance of a appropriate writ(s), order(s) or direction(s) to the respondents to grant Rehabilitation and Resettlement benefits to the petitioner under Sections 31 to 42 of the 2013 Act:

e. For issuance of any other writ(s), order(s), or direction(s) as this Hon'ble Court may deem fit and proper.”

3. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner purchased 0.06420 acres of land, appertaining to Khata No.289, Khesra No.220, situated in Village Bhusaula, Danapur, Patna, through a registered sale deed dated 26.10.1994, and Jamabandi was duly created in his name. He remained in lawful possession and regularly paid rent. In the year 2006, the State issued a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “Act, 1894”) for acquisition of land, including a portion of Khesra No. 220 where the petitioner’s land is situated, for construction of the Neura–Daniyawā New Railway Line, invoking the urgency clause under Section 17(4). However, no notice under Section 9 of Act, 1894, was ever served upon the petitioner. Neither the physical possession was taken, nor any award was prepared and no amount of compensation was paid any time prior to 01.01.2014. The petitioner continued in possession and raised plinth construction in 2015 being in peaceful possession of the land. Petitioner was informed about the constructed structure which was removed some time in year 2022. Petitioner enquired and was informed that the land was acquired for construction of Neura-Daniyawā New Railway Line and in that regard, District Land Acquisition Officer has recommended the compensation rate at Rs.2,25,00,000 per acre



on 28.11.2012 along with statutory benefits. The Revenue Inspector submitted report dated 28.08.2025, confirming the ownership, possession, and entitlement to 100% compensation. The District Land Acquisition Officer, *vide* order dated 03.09.2025, determined compensation of the petitioner which comes to the tune of Rs.6,79,832/- at the applicable MVR for financial year 2006–07 (Rs. 23,00,000 per acre), which is not in accordance with law, as once the Award is made after 01.01.2014, i.e., after commencement of the Act, 2013, compensation/award must be determined strictly under the Act 2013 as per the current market value of the land. The claim of the petitioner is also supported by the rent fixation determined by the District Land Officer *vide* its communication dated 28.11.2012.

4. Learned counsel has placed reliance upon paragraph no.37 of a recent judgment of the Apex Court in case of ***Bernard Francis Joseph Vaz and Others Versus Government of Karnataka and others***, reported in (2025) 7 SCC 580 in support of his claim that if the petitioner is not entitled for determination of rate of compensation as per the present value in the vicinity where the land has been acquired, the petitioner is at least entitled for due compensation on the



basis of the value of the land (MVR) as having been notified by the State Government in the vicinity.

5. *Per contra*, learned counsel appearing on behalf of the State submitted that the petitioner before availing remedy under Act, 2013 has straight away filed the present writ petition. The Act is a complete Code in itself. Section 33 of the Act provides Corrections to awards by Collector which is inter alia reproduced hereinafter:

“(1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.”

6. Without filing any application for determination of MVR in the area after the repeal of the Act, 1894, reference is required to be made before the Collector and the Collector as per the provision prescribed under Section 64 of the Act, is the



final authority to interfere with the Award prepared. Learned counsel further submitted that the petitioner has not given specific date in respect of the final acquisition of the land and possession handed over to the railways by the State Government. On these grounds, learned counsel submitted that the writ petition being devoid of any merit is fit to be dismissed.

7. Heard the parties.

8. Having heard the rival submissions made on behalf of the parties and having perused the information contained in support of the relief as sought for in the present writ petition. The petitioner seeks due compensation in respect of acquisition of land allegedly acquired for construction of Neura-Daniyawa New Railway Line as per the Land Acquisition Act, 1894 (1 of 1894). The said Act has been repealed *vide* Act, 2013. Since the compensation was paid after coming into force of Act, 2013, the petitioner seeks compensation as per Act, 2013. In this regard, I find it apt to reproduce the Section 114 of Act 2013, which is *inter alia* as under:-

“114. Repeal and saving.—

(1) The Land Acquisition Act, 1894 (1 of 1894) is hereby repealed.

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the



general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.”

9. Section 114 of the Act, 2013 makes it clear so far as the effect of repeal of the Act, 1894 is concerned. All the past actions are saved as per the provision of Section 6 of General Clauses Act, 1897. The above informations are contained paragraph no.13 of the writ petition. The total amount of Award has been calculated on the basis of MVR as it was existing on the date of notification dated 29.04.2006. The petitioner is aggrieved for non-payment of full amount of compensation amount till date as per the present market value of the land determined by the State Government and being aggrieved by the meager amount of Award which he has received on the basis of amount calculated on the basis of MVR of year 2014 on 03.09.2025 and that too under the Act, 1894, although the award was prepared under the repealed Act, rendering the Award ineffective.

10. The Act, 2013, is a complete code in itself and determination of Award in the present case, which has been challenged by the petitioner, remedy lies before the District Magistrate, who is having jurisdiction to review the amount of Award by making necessary correction. In this regard, a reference can be made to Sections 33 and 64 of the Act 2013. It



is admitted position that the petitioner has received the Award in the year 2014 under protest in respect of the acquisition proceeding which was initiated way back in the year 2006.

11. Law in respect of land having acquired as per the Act, 1894 and the payment of the compensation after the lapse of the acquisition proceeding, the consideration has been made 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."

(emphasis supplied)

12. Recently, the said proposition of law has been duly considered by the Apex Court in paragraph no. 37 in case



of ***Bernard Francis Joseph (Supra)***, which is reproduced hereinafter:

“37. It can thus be seen that this Court in Barangore Jute Factory case [Competent Authority v. Barangore Jute Factory, (2005) 13 SCC 477] observed that normally, compensation is determined as per the market price of land on the date of issuance of the notification regarding acquisition of land but there are judgments of this Court where in similar situations instead of quashing the impugned notification, this Court shifted the date of the notification so that the landowners are adequately compensated. This Court directed that compensation payable to the landowners be determined as on the date when possession of land was taken by the respondents therein i.e. 19-2-2003.”

(emphasis supplie)

13. Considering the facts and circumstances of the case, as well as, the law laid down by the Apex Court, as referred hereinabove, the petitioner is at liberty to approach the District Magistrate-cum-Collector, Patna, having jurisdiction for determination of the amount of current amount of Award, which the petitioner has claimed on the basis of information provided to him under Right to Information Act in respect of the MVR in the vicinity of the land which has been acquired. The claim of the petitioner is also supported by the rent fixed for the Circle by the Government of Bihar for the purpose of registering on the basis of the MVR fixed in the area.

14. The District Magistrate is directed to consider the records relating to land acquisition, particularly the date of possession and the MVR notified by the State Government, as



in the year 2014, the petitioner had received the award under protest and redress the claim of the petitioner well within a period of six weeks in accordance with law from the date of communication of this order.

15. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2026
Transmission Date	NA

