

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2233 of 2026

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1. Surjeet Kumar S/o Late Ram Badan Singh, R/o A/3 Vivekanand Park Lane, A.S.E Patliputra Colony, Boring Road, Dist.-Patna.
 2. Ranjit Kumar, S/o Ramyash Rai, R/o A/3 Vivekanand park lane, A.S.E Patliputra Colony, Boring Road, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
3. District Magistrate-cum-Collector, Patna.
4. District Land Acquisition Officer, Patna.
5. Circle Officer, Bikram, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate.
For the Respondent/s : Standing Counsel 10

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-02-2026 Heard learned counsel appearing on behalf of the

petitioners and learned counsel for 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:-

“A. To hold that the Land Acquisition proceeding with respect to the land in question bearing Land Acquisition Case No. 35/2022-21 has since elapsed as the possession still vests with the petitioners.

B. In alternative, direct the Respondent authorities to grant compensation to the Petitioners for their acquired land enumerated detailed at Paragraph 4 of this application at the present market rate when possession is being taken.

C. Directing the Respondent authorities to provide the full details of Land Acquisition Proceedings under which the lands of the Petitioners have been



acquired.

D. Directing the Respondent Authorities to pay Rs. 30,00,000/- as compensation besides the compensation for acquisition to each of the Petitioners as the Authorities have acted arbitrarily, depriving the Petitioners of a fair and transparent proceedings and by not providing any information related to the said proceeding thus violating the rights of Petitioners enshrined under Article 300 A of Constitution of India.

E. Any other relief/reliefs for which the petitioner deemed entitled for.”

3. Brief facts of the case is that the petitioners, after purchasing the land through registered sale deeds and obtaining mutation in their favour, were in peaceful possession and enjoyment of the land and had also commenced construction thereon, which was abruptly stopped by BSF personnel without any written order on the ground that the land was under acquisition; being unaware of any such acquisition and having received neither notice nor compensation, the petitioners approached the District Land Acquisition Officer, Patna, who vide order dated 13.10.2023 informed that the land has been acquired in Land Acquisition Case No. 35 of 2022–21 for construction of BSF Vahini Headquarters, allegedly pursuant to a declaration published in Hindustan Newspaper dated 26.06.2020, and advised the petitioners to submit a fresh representation for compensation. Accordingly, the petitioners submitted multiple representations dated 30.09.2024, 09.12.2025, 18.12.2025, 30.12.2025, 20.01.2026 and finally



21.01.2026 seeking information and payment of compensation, highlighting that they continued to remain dispossessed in effect for more than five years over a substantial area of land measuring 199.156 decimals, despite boundary walls and a residential structure standing thereon, but all such representations were met with complete silence, compelling the petitioners to approach this Court due to the arbitrary, and unconstitutional action of the respondents.

4. Learned counsel appearing on behalf of the petitioners submitted that the action of the respondents in depriving the petitioners of the use and enjoyment of their land without serving any notice, without following due process of law and without payment of just and fair compensation is *ex facie* illegal, arbitrary and violative of Article 300A of the Constitution of India, rendering the entire acquisition proceedings vitiated in law, and therefore the petitioners are entitled to appropriate reliefs including protection of their property rights and payment of lawful compensation in accordance with law.

5. *Per contra*, learned counsel for the State 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, Patna with a prescribed format and the petitioners before exercising their right straight away filed the present writ petition, which is premature and fit to be dismissed by this Court.

6. Heard the Parties.

7. Having considered the rival submissions made on behalf of the parties and upon perusal of the materials available on record, it appears that the dispute essentially pertains to the determination and payment of compensation under the relevant land acquisition by the Government for BSF Vahini Headquarters Project. The petitioners contend that the compensation award is pending since 5 years, seeking payment in terms of the applicable Government Resolution. The legal position governing such issues is no longer *res integra* and stands authoritatively settled by the Apex Court in the case of ***Indore Development Authority vs. Manoharlal and Others***, 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.*

8. It is also to be taken note of that Article 300A of the Constitution of India, which tends to safeguard the invaluable right to property.

“300-A. Persons not to be deprived of property save by authority of law

No person shall be deprived of his property save by authority of law.”

9. The State cannot dispose a citizen of his property except in accordance with law and procedure prescribed. The obligation to pay compensation is not expressively 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 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 , 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 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”

10. The above proposition of law has again been reiterated by the Apex Court in the case of ***Dharnidhar Mishra (D) and Another vs. State of Bihar and Others***, in Civil Appeal No. 6351 of 2024, ***reported in (2024) 10 Supreme Court Cases 605***, is relevant. The paragraph is reproduced as under:—

“ 16. 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 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. [See: K.T. Plantation (P) Ltd. v. State of Karnataka [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1.”

11. In such circumstances, when the question of right to property as per the provision of Article 300 A of the Constitution of India comes to the knowledge of this Court and also in view of the recorded evidence and the established MVR of the area, in which vicinity, petitioners’ land has been



acquired, this Court has no alternative than to direct the concerned authority to give due regard to the same and recalculate the amount of compensation at the current rate of MVR so that the petitioners should not be made to suffer financially in any manner. The claim of the petitioners is supported by the judgment of the Apex Court in the case of ***Indore Development Authority Vs. Manohar Lal & Ors.***, reported in ***AIR 2020 SC 1496*** and the amendment brought in the ***Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*** in the year 2018. Admittedly, in the present case, the petitioners have not received the amount of compensation till date.

12. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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