

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.182 of 2025

In
Civil Writ Jurisdiction Case No.12072 of 2018

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Pradeep Kumar Shah Son of Late Arjun Prasad Agrawal C/o Krishna Kumar Shah, Village - Kahalgaon. Near Hospital Road, P.S. - Kahalgaon, District- Bhagalpur, presently residing at Flat No. 2 AB, Durga Vihar Residential Apartment, S.P. Verma Road, P.S. - Gandhi Maidan, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Land Acquisition Officer, Bhagalpur.
5. The Additional Director - Cum - Special land Acquisition Officer, Medium Irrigation Project, Bhagalpur.
6. The Executive Engineer, Bateshwar Sthan Ganga Pump Nahar, Project Shivnarayanpur, Kahalgaon, District- Bhagalpur.
7. The Executive Engineer, Ganga Pump Nahar Division, Kahalgaon, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Murari Prasad Sinha, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General- 12
		Mr. Arun Kumar Bhagat, AC to AAG- 12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-02-2026

The appellant Pradeep Kumar Sah has filed this Letters Patent Appeal challenging the order dated 21.01.2025 passed by the learned Single Judge in C.W.J.C. No. 12072 of 2018.



The writ petition was filed seeking for a direction to the respondents, particularly to the District Magistrate, Bhagalpur to produce the proceeding of the Land Acquisition No. 27 of 1980-81 Mauja Shampur, Anchal Kahalgaon, District Bhagalpur, with a further direction to declare that the said land acquisition so far it relates to petitioner with respect to Khata No.62 Old/119 New, Plot No. 238 and 239 old/ 189 new, Thana no. 265 of an area of 91 decimal, to have lapsed in view 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 Act, 2013') and in terms of several decisions/judgments of the Hon'ble Apex Court; as also restraining the respondents not to interfere in the peaceful title and possession over the land in question of the petitioner, and alternatively make compensation of acquisition of the said land in view of the new Act, 2013 and/or for issuance of a writ/order/direction for which the petitioner may be found legally entitled to, under the facts and circumstances stated herein under.

2. After issuance of notice, counter affidavit was filed on behalf of respondent no.6 i.e. the Executive Engineer, Bateshwar Sthan, Ganga Pump Nagar Project, Shivnarayanpur,



Kahalgaon, Bhagalpur by one Rajeev Kumar Singh, Executive Engineer of the said division, wherein it is stated as follows:

“6. That it would be pertinent to mention that the State Govt, took a policy decision to dissolve the Special Land Acquisition Offices of the Water Resources Department and to transfer the records of pending proceedings to the District Land Acquisition Offices of the Revenue and Land Reforms Department. Accordingly, the erstwhile Special Land Acquisition Office, Medium Irrigation Project, Bhagalpur and other such under the Directorate of Land Acquisition and Rehabilitation, Water Resources Department, Bihar have been dissolved with effect from 01.10.2019 vide order issued by the Secretary, Water Resources Department, Bihar, Patna as contained in memo no. 1120 dated 18.09.2019 and all such records of pending proceedings have been handed over to the concerned District Land Acquisition Offices.

7. That at the very outset it is made clear that the land acquisition proceeding related to village- Shampur (Thana no. 265) was concluded in the year 1984-85 by declaring award and making payment of award/compensation amount to the land



owners under the Land Acquisition Case No. 27/1980-81 and possession of the acquired land (17.96 acre) was handed over to the Executive Engineer, Ganga Pump Canal Division No.-2, Bateshwar Asthan (Kahalgaon) on 23.08.1984.

8. That it appears from perusal of the records of Land Acquisition Case No. 27/1980-81 that the Executive Engineer, Ganga Pump Canal Division No. 2, Bateshwar Asthan (Kahalgaon) sent requisition to the Land Acquisition Officer, Bhagalpur vide letter no. 190 dated 04.08.1980 for permanent acquisition of 17.50 acre land in Mauza-Shampur, P.S.-Colgang, District-Bhagalpur for construction of 'Main Canal of Bateshwar Asthan Pump Canal Phase II'. On the basis of said requisition, proceeding for acquisition of required land was initiated by the Special Land Acquisition Officer, Medium Irrigation Project, Bhagalpur under provisions of the Land Acquisition Act vide Land Acquisition Case No. 27/1980-81.

9. That it appears further that notification under Section 4 of the Act was issued vide memo no. 187 dated 13.03.1981 which was published in the District Gazette on 16.03.1981 and declaration under Section



6 of the Act was issued vide memo no. 402 dated 04.06.1981 which was published in the District Gazette on 16.08.1981. Notice, under Section 11 of the Act was issued vide memo no. 886 dated 10.11.1981 and local enquiry was made on 18.11.1981.

10. That after exhausting due process under the Land Acquisition Act, 1894, the award of Rs. 2,15,917.35 was declared on 12.10.1982 in favour of different land owners on the basis of entries made in Khatiyan (record of rights) as well as local inspection and compensation amount was paid to them after receiving proof of their ownership over the lands in question. Thereafter the aforesaid land was acquired by the Special Land Acquisition Officer, Medium Irrigation Project, Bhagalpur. Some awardees raised objection or did not receive the award amount. Such matters were referred to the District Judge, Bhagalpur under Section 18 of the Land Acquisition Act, 1894 and the award amount was deposited in treasury. Thereafter possession of the acquired land was handed over to the requisitioning officer, i.e. the concerned Executive Engineer on 23.08.1984.

11. That with respect to claim of the petitioner, it is stated that for acquisition



of the land bearing Survey Khatiyan no. 48, survey plot no 238, area 54 decimal and Survey Khatiyan no. 61, survey plot no. 239, area 43 decimal, total area 97 decimal, award of Rs. 10,376.38 and additional award of Rs.3058.78 was declared vide award no.11 in favour of Bhagawati Prasad Sah son of Beni Ram. When no one came to receive the said amount, the same was deposited by the Special Land Acquisition Officer, Medium Irrigation Project, Bhagalpur in treasury. With respect to plot no. 242, award was declared in favour of Babu Lal Rai, Bhutku Rai and others, Lakhan Rai and Yogendra Rai and they received the award amount.

12. That it would be pertinent to mention that the Special Land Acquisition Medium Irrigation Project, Bhagalpur duly informed the Circle Officer, Kahalgaon vide letter no. 836 dated 13.10.1982 that the award amount will be paid to the awardees on 19.10.1982. He mentioned the plot nos. of the acquired land including the plot nos. 238, 239 and 242 and requested to depute concerned revenue Karmchari along with records.

13. That it appears from letter no. 434 dated 24.08.2000 issued by the Special



Land Acquisition Officer that the details of acquired land had been sent to the Circle Officer, Kahalgaon vide letter no. 803 dated 13.09.1985 for exempting realization of rent with respect to the acquired land.

14. That it would be evident from the aforesaid letters that the office of the Circle Officer, Kahalgaon was fully aware of acquisition of the land in question despite that it wrongly issued land possession certificate (Annexure-4 to the writ application) in the name of Bhagwati Prasad Sah (since deceased) with respect to land appertaining to khata no. 119, plot no. 193, area 60 decimal and plot no. 189, area 61 decimal in August 2016, i.e. after about 32 years of completion of the land acquisition proceeding. Thereafter the petitioner illegally got mutated the said land in his favour in February 2018 (Annexure-3 to the writ application) and got rent receipt in March 2018. On the”

3. The writ petitioner filed rejoinder affidavit to the said counter affidavit, filed on behalf of respondent no.6.

4. The learned Single Judge in the impugned order after going through the pleadings and hearing the learned



counsel for the respective parties has been pleased to hold as follows:

“7. In the light of the submissions made by the parties, it becomes crystal clear that the information provided to the petitioner under the RTI Act, is basically a mistake which has been accepted by the State in the pleading. It also transpired that acquisition has been already made in the year 1982 and award has been prepared, but the compensation amount has been received by the ancestor of the petitioner. Therefore, in view of the Court, the petitioner whose land has been acquired in the year 1982 and he wants to reopen the entire matter of the year 1982 even after preparation of award which is not permissible in law, but he is entitled to receive compensation amount only. As such, the writ petition is dismissed with liberty granted to the petitioner that under the old acquisition proceeding read with the Saving Clause under section 114 of the new law, i.e., RFCTLARR Act, 2013, he shall file his representation for payment of compensation amount kept in treasury, before the Collector/District Magistrate, Bhagalpur who shall pass order on representation demanding report from



*Land Acquisition Officer, Bhagalpur
within 3 months from the date of receipt of
representation.”*

5. When we made a query to the learned counsel for the appellant as to in whose name the land, in question, stands and how the petitioner is related to such person, the learned counsel submitted that the appellant-writ petitioner, Pradeep Kumar Sah is the grandson of Bhagwati Prasad Sah, in whose name the land stood recorded. However, when we made a further query as to whether there are other legal heirs or not, the learned counsel submits that all the legal heirs of the said Bhagwati Prasad Sah, who is now dead, authorised the petitioner to file this application and they have no objection, if the award amount is disbursed in favour of the petitioner.

6. Be that as it may, since the learned Single Judge has directed the petitioner, appellant herein, for filing the representation before the concerned authority i.e. Collector/District Magistrate, Bhagalpur for payment of compensation amount, which is stated to be kept in treasury in connection with the acquisition of land of deceased Bhagwati Prasad Sah, such application shall be disposed of in accordance with the law. It is made clear that the appropriate documents shall also be produced by the appellant-petitioner, that he has



been authorized by all the legal heirs of the deceased Bhagwati Prasad Sah to receive the compensation amount and such document shall be duly verified before disbursing the amount of the compensation.

7. The learned counsel for the appellant also submits that the cost of the land was more, and the award of the compensation amount is disproportionate to the market rate.

8. If the appellant is not satisfied with the amount, which is so deposited in the Treasury, it is open to him or the legal heirs of the deceased to seek appropriate remedy in accordance with the law.

9. With the aforesaid observation, the L.P.A. stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2026
Transmission Date	NA

