

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11706 of 2021

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Vidyawati Kunwar, Wife of Late Nand Lal Singh, Resident of Village-Karma,
Police Station-Kudra, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Chief Project Manager, Dedicated Freight Corridor Corporation of India Limited, Varanasi.
3. The Assistant Project Manger DFCCIL (A.P.S.W. Under Ministry of Railway) Mughalsarai, Varanasi.
4. The Arbitrator cum Commissioner, Patna Division, Patna.
5. The District Magistrate, Kaimur at Bhabua.
6. The Competent Authority cum District Land Acquisition Officer, Kaimur at Bhabua.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11719 of 2021

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1. Shyam Mohan Singh, Son of Late Ram Kailash Singh, resident of Village-Karma, Police Station- Kudra, District- Kaimur at Bhabua.
2. Nagendra Prasad Singh, Son of Late Ram Kailash Singh, resident of Village-Karma, Police Station- Kudra, District- Kaimur at Bhabua.
3. Satyendra Prasad Singh, Son of Late Balrup Singh, resident of Village-Karma, Police Station- Kudra, District- Kaimur at Bhabua.
4. Surendra Prasad Singh, Son of Late Balrup Singh, resident of Village-Karma, Police Station- Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Chief Project Manager, Dedicated Freight Corridor Corporation of India Limited, Varanasi.
3. The Assistant Project Manger DFCCIL (A.P.S.W. Under Ministry of Railway) Mughalsarai, Varanasi.
4. The Arbitrator cum Commissioner, Patna Division, Patna.



5. The District Magistrate, Kaimur at Bhabua.
6. The Competent Authority cum District Land Acquisition Officer, Kaimur at Bhabua.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11721 of 2021

Mukesh Kumar Singh @ Mukesh Kr. Singh, Son of Late Mohan Singh,
Resident of Village- Karma, Police Station- Kudra, District- Kaimur at
Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Chief Project Manager, Dedicated Freight Corridor Corporation of India Limited, Varanasi.
3. The Assistant Project Manger DFCCIL (A.P.S.W. Under Ministry of Railway) Mughalsarai, Varanasi.
4. The Arbitrator cum Commissioner, Patna Division, Patna.
5. The District Magistrate, Kaimur at Bhabua.
6. The Competent Authority cum District Land Acquisition Officer, Kaimur at Bhabua.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11763 of 2021

Daya Shankar Singh, Son of Late Ramayan Singh, Resident of Village -
Karma, Police Station- Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Chief Project Manager Dedicated Freight Corridor Corporation of India Limited, Varanasi.
3. The Assistant Project Manager DFCCIL (A.P.S.W. Under Ministry of Railway) Mughalsarai, Varanasi.
4. The Arbitrator cum Commissioner, Patna Division, Patna.



5. The District Magistrate, Kaimur at Bhabua.
6. The Competent Authority Cum District Land Acquisition Officer, Kaimur at Bhabua.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11706 of 2021)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For the Respondent Nos. 2 & 3 : Mr. Tiwari Shwetketu, Adv.

For the State : Mr. AC to AAG-12

(In Civil Writ Jurisdiction Case No. 11719 of 2021)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For the Respondent Nos. 2 & 3 : Mr. Tiwari Shwetketu, Adv.

For the State : Mr. AC to AAG-12

(In Civil Writ Jurisdiction Case No. 11721 of 2021)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For the Respondent Nos. 2 & 3 : Mr. Tiwari Shwetketu, Adv.

For the State : Mr. AC to SC-19

(In Civil Writ Jurisdiction Case No. 11763 of 2021)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For the Respondent Nos. 2 & 3 : Mr. Tiwari Shwetketu, Adv.

For the State : Mr. AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

C.A.V. JUDGMENT

Date :18-04-2026

All the aforesaid four writ petitions are being taken up together and are being disposed of by this composite order, considering the fact that a common question is involved in all the cases and all the writ petitions arise out of an acquisition made under Notification No. 3078(A) dated 22.08.2019, which was published for the acquisition of the land for the construction of road over bridge in Mauza-Karma, Anchal-Kudra, in the District of Kaimur.

2. Heard the learned counsels for the parties.



3. The writ petitioners, in all the aforesaid four cases, are the land-holders having different plot numbers as detailed in paragraph-4 of their respective writ petitions.

4. The brief facts leading to the present writ applications are that a Six-Men Committee (*in short the 'Committee'*), presided by the Collector, Kaimur, submitted an enquiry report, dated 02.07.2019, with regard to the nature of the lands under acquisition in Case No. 03/2019-20, which was initiated for the acquisition of the lands of the petitioners. The Committee described the nature of the lands of the petitioners as agricultural lands.

5. The competent Authority-Cum-District Land Acquisition Officer (DLAO), Kaimur (Bhabua) [*in short the 'DLAO, Kaimur'*] passed an Award dated 10.06.2020, considering the lands of the petitioners as agricultural lands, which was also shown as the agricultural in the Committee's report.

6. The petitioners being aggrieved by the order and Award dated 10.06.2020 passed by the DLAO, Kaimur preferred arbitration cases, which were numbered separately for each of the writ petitioners, before the Arbitrator-Cum-Commissioner, Patna Division, Patna (*in short the 'Divisional*



Commissioner, Patna’) mainly on the ground that the nature of their lands was wrongly treated as agricultural lands in place of residential, by the DLAO, Kaimur. The petitioners contended that earlier at the time of acquisition, the lands in question were held to be residential in nature and, therefore, holding the same as agricultural by the Committee was arbitrary.

7. The arbitration cases preferred by all the writ petitioners were heard and disposed of by the Divisional Commissioner, Patna on 05.02.2021, who, directed the Collector, Kaimur for valuation of the structure and, accordingly, change the Award, if any construction was found.

8. In pursuance to the order passed by the Divisional Commissioner, Patna, another Six-Men Committee inspected the lands of the petitioners on 19.02.2021 and, again, submitted the enquiry report, treating the lands of the petitioners as the agricultural lands. Thereafter, no order was passed by the DLAO, Kaimur.

9. The petitioners being aggrieved by such findings of the Committee have approached this Court by filing the aforesaid writ petitions with a prayer to consider their lands as residential and to pay them the compensation amount in accordance with law.



10. It has been submitted on behalf of the petitioners that merely after 17 days of the passing of the order of remand by the Divisional Commissioner, Patna, the Committee prepared an enquiry report, dated 19.02.2021, without issuing any notice to the petitioners with regard to the enquiry of the lands in question. It has been submitted that from the perusal of the two enquiry reports, dated 02.07.2019 and 19.02.2021, it would be evident that the second enquiry report of the Committee is a copy of the first enquiry report and, therefore, the same has been prepared on table.

11. It has further been submitted that the Award dated 10.06.2020 prepared with regard to the lands of the petitioners, treating the same as agricultural lands, is apparently bad on facts. It has next been contended that the part of the same lands were acquired by the same respondent No. 2 on the basis of the same Enquiry Committee, which had earlier found the lands of the petitioners as residential and, accordingly, compensation amounts were paid, but, later, the Committee twice in its report dated 02.07.2019 and 19.02.2021, for the reasons best known to them, has submitted a report treating the lands of the petitioners as agricultural lands and the Award was prepared accordingly. It has also been submitted on behalf of



the petitioners that their houses still stand on their respective plots, which have been acquired and as such, the Award is apparently bad in law as well as on facts.

12. It has further been submitted on behalf of the petitioners that the Committee has prepared the report dated 19.02.2021 without any physical inspection and no notice in this regard was ever issued to the petitioners. It has been contended that the respondents have erred by treating the same plots as agricultural, which was, in fact, notified and treated as residential in the year 2011 itself in a different acquisition.

13. It has further been contended that the same Enquiry Committee has treated other plots, being Plot Nos. 685, 686 and 687, which are situated near the plots of the petitioners, as residential and has held the plots of the petitioners to be agricultural, despite the fact that constructions are standing on such plots.

14. It has, thus, been submitted on behalf of the petitioners that the adjudication that the lands of the petitioners are agricultural in nature is completely baseless and is not tenable on facts and the same is fit to be set-aside and a direction be issued to pay the compensation, treating the lands of the petitioners as residential.



15. *Per contra*, the learned State counsels have opposed the writ applications and have submitted that the writ petitioners have approached this Court with illusive claims and with misleading facts. It has been contended that the Award was passed correctly after adopting due process of land acquisition. The Committee, after visiting the plots of the petitioners, found the lands of the writ petitioners under acquisition to be used for agricultural purposes and, hence, the lands under acquisition were treated as agricultural lands and, therefore, the Award was passed based on such report.

16. It has further been submitted on behalf of the State that the determination of valuation of land under acquisition was based on the sale-deeds prior to 3 years of the Notification under Section 20(A) of the Railway (Amendment) Act and altogether 59 sale-deeds were found during the said period, in which, 20 sale-deeds for agricultural land, 27 for residential and remaining 12 for the commercial purposes were found. Thereafter, the Committee, under its Chairman, *viz.*, the District Magistrate, visited the site and the said Committee, unanimously, found some lands under residential use and some in agricultural use and, accordingly, submitted a report dated 02.07.2019. It has been contended that the average rate of 50%



of total 20 agricultural sale-deeds was taken into account to the finding of the value of compensation, which was fixed at Rs. 38,53,126.00/- per hectare to be paid to the persons like the writ-petitioners, whose lands were identified to be agricultural lands and in the light of such calculation and recommendation, the Award was prepared and, therefore, no illegality can be pointed out by the writ-petitioners towards the said report.

17. It has next been submitted that the lands of the petitioners were found to be in agricultural use by the Committee in the year 2021 and, therefore, the writ-petitioners would not be entitled to question the credibility of such report in a writ-petition as also the Award, which was prepared relying on such enquiry report, which too was prepared after physical verification of the lands of the petitioners.

18. It has, thus, been contended that the writ petitions are devoid of any merit and are fit to be dismissed *in limine*.

19. Mr. Tiwari Shwetketu, the learned counsel appearing on behalf of respondent Nos. 2 and 3/Dedicated Freight Corridor Corporation of India Ltd., Varanasi (DFCCIL), has submitted that the present writ-petitions have been filed to consider the lands of the petitioners as residential and to pay



them compensation accordingly.

20. The learned counsel for respondent Nos. 2 and 3 reiterated as to how the compensation amount was calculated taking into account the fact that the lands of the petitioners were found to be in agricultural use and, therefore, all the procedures, as mentioned in the concerned Acts and Rules, have been fully and properly adopted and followed in acquisition of the lands of the petitioners and also in assessment of the nature of acquired lands and in determination of the market value as per the law.

21. It has been submitted that the writ-petitioners had approached the Divisional Commissioner, Patna (respondent No. 4), praying to set aside the Award and to prepare fresh Award, considering their lands to be residential. However, the Divisional Commissioner, Patna, after hearing the parties, disposed of the arbitration cases *vide* order dated 05.02.2021 with a direction to the Collector, Kaimur to inquire about the structure and further authorized him to amend the Award, if any change is found. It has been submitted that it was in compliance of the order dated 05.02.2021, that the Committee made a spot verification on 19.02.2021 in presence of some villagers and the writ-petitioners/*Raiyats*/representatives and it was found that the



nature of lands in question, in all the writ petitions, were agricultural and crop of wheat was standing on the said acquired lands. It was on account of such report that an order was passed on 06.03.2021 that no structure was found on the plots in question during spot verification and the nature of the lands was found to be agricultural.

22. The learned counsel appearing on behalf of respondent Nos. 2 and 3 has referred to Annexure-1/A, which has been brought on record through supplementary counter affidavit, in order to controvert the contention raised by the petitioners that no notice was served to them prior to the spot verification being made by the Committee.

23. It has been submitted that the proof of the presence of the writ-petitioners or his/her representatives on the spot at the time of verification, could not be brought earlier with the counter affidavit and, therefore, on the direction of this Court dated 24.11.2022, the proof of their presence at the spot is being annexed with the supplementary counter affidavit. It has been contended that the photography and videography have also been done at the time of verification of the lands in question and from the perusal of the same, it would be evident that the writ-petitioners or their representatives and some other villagers as



well as the Members of the Committee were all present on the spot at the time of verification.

24. It has next been submitted that one of the writ-petitioners, namely, Shyam Mohan Singh (C.W.J.C. No. 11719 of 2021) was present on the spot, but he refused to sign on request of the Members of Committee and the said fact has been videographed, in which, the voice regarding refusal is recorded.

25. In support of the aforesaid contention, the learned counsel for respondent Nos. 2 and 3 has produced a Pen Drive, containing video photography of the entire exercise carried out by the Committee and submitted that it would also prove the fact that the writ-petitioners/his or her representatives were present at the time of spot verification and, therefore, their contention that they were not even noticed is absolutely false and misleading.

26. It has been contended that such categorical report by the Committee, which would be clear from the photographs and the videography contained in the Pen Drive, would suffice that the petitioners have not approached this Court with clean hands and have tried to mislead this Court in order to procure an order in their favour.



27. It has, thus, been submitted that the writ-petitions are fit to be dismissed with heavy cost.

28. Having heard the parties and taking into account the relevant facts, especially with regard to the findings arrived at by the Six-Men Committee, this Court, in view of the contradictory stands of the respondents and the petitioners, was compelled to view the videography of the spot verification conducted by the Committee, which was handed over to this Court in a Pen Drive.

29. This Court played the Pen Drive and on seeing the videography, as produced by the learned counsel appearing on behalf of respondent Nos. 2 and 3, it is evident that the Six-Men Committee had indeed made a spot verification and from the perusal of such video that the *Raiyats* or their respective representatives were present at the spot and they were made to stand on their respective plots with the plot numbers written on a white paper and the representatives and the *Raiyats* were asked stand against the land(s) which belonged to them. It is also evident from such video that there was no structure on the said lands, rather wheat crop was standing on the plots and no construction, whatsoever, was visible in an around the plots/lands of the writ-petitioners.



30. Taking into account the assertion made by the State as also by the learned counsel for respondent Nos. 2 and 3, it is evident that the lands in question belonging to the writ-petitioners, at the time of spot verification, were being used for agricultural purposes and, therefore, the calculation of the compensation, taking into account the lands of the petitioners to be in agricultural use, cannot be said to be bad.

31. This Court is also of the view that the writ-petitioners have not come with clean hands before this Court, especially on account of the fact that there is no structure standing on the plots/lands of the petitioners which is quite visible in the videography being done at the time of spot verification and moreover, their (writ-petitioners/his or her representatives) presence at the time of spot verification also nullifies their contention that they were not noticed prior to such spot verification being done by the Committee.

32. In view of the above discussions, this Court is not inclined to interfere with the findings arrived at by the Six-Men Committee, which was consistent in its findings on two occasions, viz., in the year 2019 and the other in the year 2021. This Court also finds from the materials available on record that no construction/structure was found on the lands of the



petitioners, rather wheat crop was found standing on the same and, therefore, the findings of the Committee cannot be questioned in a writ proceeding.

33. The present batch of writ petitions are found to be misconceived and the same are, accordingly, dismissed.

34. Interlocutory application(s), if any, also stands disposed of accordingly.

(Sourendra Pandey, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	08.04.2026
Uploading Date	18.04.2026
Transmission Date	N/A

