

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7688 of 2026

1. Pappu Sah Son of Late Ramvilas Sah, Resident of Village- Sahdai Buzurg, P.S. Desari, District- Vaishali, Bihar - 844509.
2. Anurodh Ray Son of Mahendra Rai, Resident of Village Sahdai Buzurg, Near Kali Mandir, Baluar, P.S.- Desari, District- Vaishali, Bihar 844509.
3. Vindeshwar Ray Son of Chandradeep Rai, Resident of Village- Sahdai Buzurg, P.S.- Desari, District- Vaishali, Bihar - 844509.
4. Sushil Kumar, Son of Sakal Dev Ray, Resident of Village Sahdai Buzurg, District- Vaishali, Bihar-844509.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar 800015.
2. The Collector-cum-District Magistrate, Vaishali at Hajipur, P.O. and P.S.- Hajipur, District- Vaishali, Bihar 844101.
3. The District Land Acquisition Officer, Vaishali at Hajipur, P.O. and P.S.- Hajipur, District- Vaishali, Bihar -844101.
4. The Sub-Divisional Magistrate, Mahnar, P.O. and P.S.-Mahnar, District- Vaishali, Bihar - 844506.
5. The Circle Officer, Sahdai Buzurg, P.O. and P.S.- Sahdai Buzurg, District- Vaishali, Bihar - 844509.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Kaushal, Advocate Ms. Annapurna Sinha, Advocate Mr. Aman Raj, Advocate Ms. Anjali Tulsyan, Advocate Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr. Ramashray Roy, A.C. to AAG (9)

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

3 24-06-2026 Heard learned counsel for the parties.

2. This writ application has been preferred for myriad
reliefs enumerated as hereunder :

*“i. For quashing and setting aside
of the illegal, arbitrary, and legally perverse
Impugned Order contained in Memo No.
455/DLAO dated 25.03.2026, passed by the
District Land Acquisition Officer, Vaishali,*

whereby the highly documented and legally sound representation of the Petitioners was mechanically rejected in gross violation of the statutory mandate of the RFCTLARR Act, 2013.

ii. To hold and declare that the entire land acquisition proceedings initiated under the defunct Notification dated 01.08.2002, concerning the Petitioners' ancestral homestead lands situated at Khesra Nos. 1064, 1084, 1092, and 1091 in Village SahdaiBuzurg, have absolutely and automatically lapsed by the rigorous operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, due to the admitted failure of the State to take actual physical possession and pay compensation for over two decades.

iii. For the issuance of a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, permanently restraining the Respondent authorities, their men, agents, subordinates, and assigns from forcefully dispossessing the Petitioners, demolishing their permanent residential structures, or in any manner interfering with their peaceful, uninterrupted, and continuous physical possession over the subject lands under the garb of the lapsed 2002 notification.

iv. For the grant of immediate interim relief and a strict stay on the operation, execution, and implementation of the Impugned Order (Memo No. 455/DLAO dated 25.03.2026), and further staying any proposed administrative demolition drive or coercive action against the Petitioners' ancestral houses during the pendency of the present Writ Application, to prevent an imminent and irreversible miscarriage of justice.

V. For any other relief(s),

including the award of exemplary costs, as this Hon'ble Court may deem highly fit and proper in the absolute interest of justice, strict equity, and good conscience.”

3. The petitioners summarize their relief(s) on two counts viz. (i) no compensation of any kind has been paid to the petitioners (ii) and the entire acquisition proceedings lapses by virtue of application of Section 11A which stipulates that an award with respect to acquisition of any land under Section 11 has to be made within a period of two years from the date of publication of the declaration and if no such award is made within that period, then the entire proceedings for the acquisition of land shall lapse.

4. Learned counsel for the petitioners further submits that abruptly in late 2018, attempting to maliciously resurrect a 16-year-old legally dead notification, the local authorities arbitrarily arrived at the site. These authorities aggressively **threatened to demolish the Petitioners' houses** using brute administrative force to arbitrarily construct a boundary wall. This sudden and extreme high-handedness shocked the conscience of the local residents, shattered the peace of the locality, and created a massive, unwarranted law and order situation.

5. He further states that as aggrieved by this imminent,

lawless, and draconian threat to their fundamental right to shelter, the Petitioners immediately sought judicial refuge. The Petitioners approached this Hon'ble Court by filing a comprehensive writ petition, which was duly registered as **C.W.J.C. No. 17901 of 2018**. This petition fundamentally challenged the colorable exercise of power by the State and sought the immediate quashing of the hopelessly time-barred and lapsed acquisition proceedings.

6. He again reiterates that for the sake of absolute clarity and to establish the exact scope of the previous litigation, the specific relief prayed for in the aforementioned writ petition is crucial. The core prayer of the writ petition is quoted herein: **"...for issuance of writ of mandamus commanding the Respondent No.2 not to acquire house of the petitioners in the name of so called public Road and further issuance of a writ in the nature of certiorari for quashing the Notification under section 4,6,17(4) of the Land Acquisition Act 1894 with regard to the petitioners land of Khesra No. 1064, 1091 and 1092, and further pleaded to... commanding the respondents not to dispossess the petitioners from their house in question."** This prayer explicitly underscores the Petitioners' consistent legal stance regarding the protection of

their residential structures from illegal state expropriation.

7. He further submits that strictly relying on these irrefutable ground realities and documentary evidence, the Ld. SDM, Mahnar passed a highly detailed Order dated 10.10.2022. The Ld. SDM took specific judicial notice of the vulnerable fact that the Petitioner has absolutely no other alternative land for his survival or residence. Consequently, balancing the equities, the Ld. SDM **granted a mere 2-foot easementary passage** over the private property for the smooth ingress and egress of the local Mahadalit community, affirming the Petitioners' underlying title and possession.

8. He further submits that well-reasoned SDM Order was subsequently challenged but ultimately upheld in Criminal Revision No. 93/2023 by the Court of ADJ-VII, Vaishali at Hajipur, vide Order dated 24.10.2024. These consecutive judicial orders operate as **unimpeachable, contemporaneous public records** conclusively establishing that the physical possession of the subject lands has continuously remained with the Petitioners. The existence of these orders utterly and permanently demolishes the State's fictional, paper-based claim of having taken physical possession under the urgency clause back in 2002.

9. At last, he vehemently reinforces his argument by submitting that the Impugned Order is vitiated by manifest arbitrariness and suffers from several fatal legal and factual infirmities. **The First Infirmity** is the DLAO's fabricated narrative claiming a final Award (No. 2/2002-03) was passed on 30.06.2004, and subsequent notices were issued on 01.07.2004 and 03.12.2016. The Petitioners categorically state that no such Award was ever legally communicated to them, and the desperate reliance on a 2016 notice issued precisely to illegally circumvent the 2013 Act exposes the mala fide and fraudulent intent of the authorities.

10. The land in question is situated at “*Khata No. 687, Khesra No. 1064; Khata No. 499, Khesra No. 1084; Khata No. 269, Khesra No. 1092; and Khata No. 96, Khesra No. 1091, all located in Village Sahdai Buzurg, District Vaishali.*”

11. The primary grievance of the petitioners appears to be the notification issued on 01.08.2002 for acquisition of their lands for constructing SAMPARK SADAK (approach road) in Village Sahdai Buzurg. This notification appears to have been issued in view of Sections 4 & 6 of the Land Acquisition Act, 1894 (*hereinafter referred to as “Act”*) and thereafter by invoking Urgency Clause under Section 17 (4) of the Act, the

respondents dispensed with the mandatory rights of the petitioners to file objections under Section 5A of the Act, thereby depriving them of their statutory and legal right to put up their case in right perspective in the form of an objection before the competent authority as mandated under law.

12. The learned counsel for the petitioners points out that since the acquisition of the petitioners' land in 2002, physical possession of the aforesaid land has not been taken by the respondent authorities till 2018 and as such the petitioners are still in possession of their piece of land which these respondent authorities had acquired in the year 2002 by issuing notification under Land Acquisition Act, 1894.

13. It was further urged that even no compensation was paid to the petitioners till date since the date of acquisition of the petitioners' land, thus, he vehemently argued that this casual and callous approach of the respondent authorities has caused the entire proceedings for the aforesaid acquisition of petitioners' land to lapse in terms of Section 11A of the Land Acquisition Act, 1894.

14. As evident from the documents available on record, even prior to the present writ application, the petitioners had approached this Hon'ble Court for multiple reliefs of identical

nature vide CWJC No. 17901 of 2018, which was disposed of vide order dated 05.01.2026 with the following directions :

“.....4. With the consent of the parties, the writ petition is disposed of allowing the petitioner to agitate the matter before all the respondents/appropriate authority/competent Court.

5. Needless to add that the document/plea provided by the petitioner will be taken into consideration while disposing of the claim/counter at an earliest.

6. The writ petition is disposed of with the aforesaid observation”

15. In compliance thereof, the petitioners filed a representation before the District Magistrate-cum-Collector, Vaishali at Hajipur for a declaration that the land acquisition proceedings initiated with respect to the petitioners' land under provisions of Land Acquisition Act, 1894 have lapsed in terms of provisions as contained in Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

16. This application of the petitioners was placed for consideration before the District Land Acquisition Officer, Vaishali at Hajipur, who after having heard the parties concerned, passed an order dated 25.03.2026 rejecting the

claims of the petitioners categorically stating therein that Land Acquisition Case No. 02 of 2002-03 was initiated under Sections 4 & 6 of the Land Acquisition Act, 1894 and thereafter, by invoking Urgency clause as prescribed under Section 17(4) of the Act having dispensed the rights of petitioners to file objection under Section 5A of the Act, the notification was duly published in the newspaper and having complied and completed all the procedural rigmarole and formalities as mandated in law, award was duly published on 30th June, 2004.

It has further been noted in the Order that thereafter in terms of the provision as contained in Section 12 (2) of the Act (supra), the first notice was issued on 01.07.2004 informing the *Raiyats*, whose land has duly been acquired, to receive compensation. Again a second notice was also issued on 03rd December, 2016 but the petitioners did not come forward or approach the respondents for receiving the compensation amount.

The District Land Acquisition Officer, Vaishali at Hajipur has further stated that after due publication of the award with respect to due acquisition of land in question, the proceedings initiated vide Land Acquisition No. 2 of 2002-03 has thus concluded and as such the provisions of 11A has no

application at all, in the case at hand. It further appears from the order dated 25.03.2026 that an award has already been published much prior to 01.01.2014 and as such Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has no application in the present matter.

17. The entire gamut of factual profile discussed hereinabove leaves not an iota of doubt that claim of the petitioners has no sound legal basis. From perusal of the entire records, averments made in the writ application, arguments advanced in the Court and order impugned, it appears that for disputed questions of fact which have been sought to be agitated in the present writ jurisdiction of this Court, which could not be decided under the writ jurisdiction without examining all the records and taking evidence thereon which practically is not entertainable at this stage in the writ jurisdiction of this Court.

18. The issue of entertainability of this writ application is distinctly different from the maintainability of writ application. As such, it appears that petitioners have a due and legitimate remedy available in law by approaching District Magistrate-cum-Collector, Vaishali at Hajipur under Section 64 of Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 for getting the matter referred to the appropriate authority for proper adjudication of the issues raised and the rights claimed by them.

19. On account of compensation amount has not been paid till date or on the contrary in spite of notice given by the authority, the petitioner did not turn up to receive the compensation amount till 2016. Since the award has already been published in 2004, it would appropriately be governed by the provision as contained in Section 18 of the Land Acquisition Act, 1894 or if the authority so deem fit they also may consider by referring the matter under Section 64 of the new Act. In the Act of 1894 under Section 18 which is corresponding to the Section 64 of the New Act, i.e. Act of 2013, matter is agitated before the Collector of the district with respect to inadequacy of compensation amount or non payment of the same, the Collector may take appropriate decision to refer the matter to the authority as mentioned in the both Acts in terms of the factual matrix of the case.

20. There is a provision for agitating grievances before the Competent Authority for making reference to the Authority under Section 64 of the 'Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which stipulates that:-

“64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.”

“(2) The application shall state the grounds on which objection to the award's taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award:

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

21. Proviso to the Section 64 makes it amply clear that the District Magistrate-cum-Collector is duty bound to make a reference to the appropriate Authority within a period of 30 days from the date of receipt of such an application.

22. Corresponding provision to the aforesaid Section 64 of the new Act, Section 18 of the old Act which is quoted hereinbelow :

“18. Reference to Court.- (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases within six weeks of the receipt of the notice from the Collector under Section 12, sub-section (2), or within six months from the date the Collector's award whichever period shall first expire.”

21. Further, Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 categorically

stipulates that :

“51. Establishment of Land Acquisition Rehabilitation and Resettlement Authority.- *The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.*

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under Section 64 or applications made by the applicant under second proviso to sub-section (1) of Section 64.”

23. The learned counsel representing the State did not dispute the aforesaid contention and fairly admits that in view of the clear cut and distinct legal provisions as detailed hereinabove and also keeping in view the bundle of disputed questions of fact as raised by the petitioners, it would be plausible and just to allow the petitioners to agitate their grievances before the appropriate authority in terms of the statutory provisions of the Act (*supra*).

24. Thus, learned counsel for the petitioners submits and prays that petitioners may be allowed to approach the District Magistrate-cum-Collector for making reference under Section 64 of the Act (*supra*) for redressal of their grievances.

25. In this backdrop, the petitioners are given liberty to file an appropriate application before the concerned Authority i.e. the District Magistrate-cum-Collector, Vaishali at Hajipur under Section 64 of the Act, 2013 or, alternatively, under Section 18 of the Land Acquisition Act, 1894 as the case may be because both these provisions corresponding to each other but only differs in the time of their enactment for making a reference to the appropriate authority for deciding the claim of the petitioners with respect to the payment which they are claiming.

26. The petitioners may file such an application within four weeks henceforth supporting their claims with relevant documents so that the District Magistrate-cum-Collector, Vaishali at Hajipur may refer the matter to the appropriate authority/the Court for deciding the claim of the petitioners.

27. This writ application stands disposed of in the aforesaid terms.

28. All pending interlocutory application(s), if any, also stands disposed off accordingly.

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(Rana Vikram Singh, J)