

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8139 of 2026

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Sushma Devi, Wife of late Govind Jee Pathak, R/o Vill.- Niyazipur, P.S.-
Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar its Principal Secretary, Revenue and Land Reforms
Department, Government of Bihar.
2. The District Magistrate, Buxar.
3. The Competent Authority-Cum-the District Land Acquisition Officer, Buxar.
4. The Deputy Collector Land Reforms, Dumaron, Buxar.
5. The Executive Engineer, Flood Control Division, Buxar Pramendal Buxar.
6. The Circle Officer, Simari, Buxar.
7. The District Magistrate, Bhojpur at Arrah.
8. The District Land Acquisition Officer, Bhojpur at Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.
For the Respondent/s : Mr. AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

Date : 02-07-2026

At the very outset, the learned counsel for the
petitioner seeks permission to implead the District Magistrate-
Cum-Collector, Bhojpur (Arrah) and the District Land
Acquisition Officer, Bhojpur (Arrah) as respondent Nos. 7 and 8
respectively to the present writ application in course of the day.



2. Permission is accorded.

3. The petitioner is a widow whose land, when her husband was surviving, acquired in the year 1990 for construction of *Koilwar Dam* in the district of Bhojpur (Arrah). The land was acquired in the year 1989, the Award of which was published on 01.03.1990 and since then, as submitted by the learned counsel appearing on behalf of the petitioner, that no farthing much the less any amount has been paid in the form of compensation for such acquisition of the *Raiyati* land of the petitioner, which goes to the very root of such acquisition and smacks of arbitrariness and callousness on the part of the respondent authority, who, after having acquired the land, very conveniently rather forgot to make payment of the compensation amount to the person whose land had been acquired after following due process in accordance with law.

4. The learned counsel for the petitioner, while referring to various Annexures, shows the representations whereby the same have been given to the various authorities of the district with the prayer to make payment of the amount of compensation for the land duly acquired. He also submits that though the Award was prepared in the name of the late husband of the petitioner, who passed away few years ago, running from



pillar to post, to get compensation amount from the district authorities.

5. The learned counsel for the petitioner further submits that whenever he approaches the Land Acquisition Officer, Bhojpur, Arrah, he is being informed that he will get the compensation amount from the Buxar district, which has been carved out from the old Bhojpur in the year 1992.

6. The learned counsel for the petitioner highlights that the land of the petitioner was acquired in the year 1989, which was within the territorial jurisdiction of the old Bhojpur district, so he is entitled to get the compensation amount from the district authorities of the Bhojpur district though his land, which was acquired, much prior to bifurcation, was situated within the new district of Buxar, which has been carved out of the old Bhojpur district.

7. The learned counsel appearing on behalf of the State has also not disputed these aspects of the matter that the land of the petitioner has duly been acquired in the year 1989 and the Award for the same has also been published in the year 1990 and till date, it appears from the records that no compensation amount has been paid either to the late husband of the petitioner or to the petitioner, who being the widow has been



made to run to every corner to get her rightful and legal due from the authorities concerned.

8. However, ultimately, the counsel for the State submits that necessary directions may be given to the concerned authorities for making payment of the Award after verifying the due claims and proper identification of the identity of the petitioner being widow of late Govind Jee Pathak, in whose name the Award had duly been published in the year 1990 for acquisition of his land.

9. Heard learned counsel for the parties.

10. It is a settled principle of law that when the land was acquired by the District Administration, then the District Administration is duty bound to make payment of the compensation for the same. This land acquisition process has been concluded in the year 1990 by publication of Award; so in this case, old Land Acquisition Act, 1894 (*in short the old Act*) will apply with full force. It goes without saying that Section 34 of the old Act provides for payment of interest on the Award of compensation from the date of the Award till the date when actual payment is made.

11. In the case at hand, when the principle amount of the compensation has not been paid, much less the part of the



interest, the authorities are duty bound to make payment of interest for such delay at the rate of interest as mandated under Section 34 of the Act.

12. It also goes without saying that when the District Administration of old Bhojpur district has acquired the land much prior to the bifurcation of the district into two, *i.e.*, Bhojpur and Buxar, then the authorities of the Bhojpur district are duty bound to make payment of the compensation amount to the petitioner.

13. At this stage, it is profitable to refer Section 11-A of the Land Acquisition Act, 1984 (*in short the Act of 1984*), which reads as hereunder:

11-A. Period within which an award shall be made.-(i) *The Collector shall make an award under Section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse.*

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the award shall be made within a period of two years from such commencement.

14. Further, Section 34 of the Act of 1894 mandates for computation of rate of interest over that unpaid compensation amount where though Award has been made and land has been acquired, but compensation has not been paid.



15. Section 34 of the Act of 1894 is reproduced hereinbelow for ready reference:

34. Payment of interest.-*When the amount of such compensation is not paid or deposited on or before taking possession of the land the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited:*

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

16. It is not in dispute that the land of the petitioner had duly been acquired following the due process in consonance with law in the year 1989, for which, an Award was duly published on 01.03.1990, the fact which even the learned counsel for the State did not object.

17. The land acquisition proceeding has been concluded by virtue of application of Section 11-A of the Act of 1894 much prior to the bifurcation of the Bhojpur district into two, then in these circumstances, the District Administration including the District Land Acquisition Officer, Bhojpur (Arrah) as well as the District Magistrate-Cum-Collector, Bhojpur (Arrah) are under obligation of the law and duty bound to make



payment of the compensation amount for the land of the petitioner which was duly acquired and Award for which had duly been published after computing the same and that too with the payment of interest, on the aforesaid compensation amount, from the date of Award till the actual payment of the compensation in terms of Section 34 of the Act of 1894. The District Administration Authorities of the Bhojpur district could not be left to roam around on their freewill to make the petitioner, who is the widow, to run from pillar to post to get her due, which is her legitimate right in view of the provisions as mandated in terms of the Act of 1894.

18. In this backdrop, the District Magistrate-Cum-Collector, Bhojpur (Arrah) as well as the District Land Acquisition Officer, Bhojpur (Arrah) are, hereby, directed to make payment of the compensation amount within a period of three months from today, after due calculation of the rate of interest as provided in Section 34 of the Act of 1894 from the date of Award till the actual payment of compensation is made.

19. They cannot take plea or shelter behind the logic that the payment could only be made by the District Administration of Buxar where the land of the petitioner was situated before bifurcation. It is incumbent upon the District



Magistrate-Cum-Collector, Bhojpur (Arrah) as well the District Land Acquisition Officer, Bhojpur (Arrah) to get the amount of compensation either from their coffer for the said acquisition of land or from the District Administration of Buxar, but it has to be paid to the petitioner who cannot be allowed to be harassed and persecuted like this after the demise of her late husband.

20. The District Magistrate-Cum-Collector, Bhojpur (Arrah) and the District Land Acquisition Officer, Bhojpur (Arrah) are under an obligation and duty bound to resolve the issue of payment of compensation amount to the petitioner. In order to resolve the dispute of making payment of compensation, the District Magistrate-Cum-Collector, Bhojpur (Arrah) and the District Land Acquisition Officer, Bhojpur (Arrah) shall hold meeting with the District Magistrate-Cum-Collector, Buxar and the District Land Acquisition Officer, Buxar within a period of three weeks henceforth, if situation so warrants and in that event, the District Magistrate-Cum-Collector, Buxar and the District Land Acquisition Officer, Buxar would provide all required assistance in order to get the issue settled at the earliest within the stipulated time fixed hereinabove.

21. With the aforesaid observation/direction, the



writ petition stands disposed off.

22. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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