

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9568 of 2025

Rajeev Ranjan, S/o Late Ishwar Chandra Sinha, Resident of Village - Bisunpur Saraiya, P.S. Deoria, Muzaffarpur, presently residing at Khabra Road, Near Pani Tanki, P.S. - Kazi Mohammadpur, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Special Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Director, Land Acquisition, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The District Magistrate cum Collector, Muzaffarpur.
6. The District Land Acquisition Officer, Muzaffarpur.
7. The General Manager, East Central Railway, Hajipur.
8. The Chief Engineer, East Central Railway, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vatsal Verma, Advocate
	:	Mr. Shashank Chandra, Advocate
	:	Mr. Nitish Kumar, Advocate
For the State	:	Mr. Addl. Advocate General 03
	:	Mr. Suman Kumar Jha, AC to AAG-3
For the UOI (Railway)	:	Mr. Kumar Gangesh Gunjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-07-2026 Heard Mr. Vatsal Verma, learned counsel for the petitioner and Mr. Suman Kumar Jha, learned AC to AAG-3 representing the State as also Mr. Kumar Gangesh Gunjan, learned counsel for the Railway.

2. The present petition has been preferred for the grant of following relief(s):

“(i) to issue a Writ of Certiorari, or any



other appropriate Writ, order, direction, for quashing of Order dated 24.12.2024, passed by Presiding Officer, Land Acquisition, Rehabilitation, and Resettlement Authority (LARRA), Muzaffarpur, whereby the Learned Authority without applying his judicial mind in a mechanical manner has rejected the claim of the Petitioner for payment of compensation amount on the ground that the LAARA does not has the jurisdiction to entertain the grievance of the Petitioner.

(ii) to issue a Writ of Certiorari, or any other appropriate Writ, order, direction, for quashing the Award being No. 32/Ka vide Record No. 28/07-08 relating to acquisition of 61 decimal of commercial land being Khata No. 206, Revisional Survey Plot No. 11, situated at Mauza - Bisunpur Saraiya under Thana No. 291 in the district of Muzaffarpur for Hazipur Sugauli Railway line construction Project prepared dated 14.03.2010, in favor of the father of the Petitioner, to the extent it grants



compensation to the Petitioner by considering the acquired land of the Petitioner to be "Bheeth land", whereas the revenue as well as the municipal records clearly establishes that the acquired land of the Petitioner is a commercial land.

(iii) to issue a writ of Mandamus, or any other appropriate Writ, order, direction, directing the Respondent Authority/ Authorities to prepare a fresh Award relating to acquisition of 61 decimals of abovementioned commercial land of the Petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as the earlier Award has been prepared erroneously and even otherwise also entire compensation amount has not been paid to the Petitioner, a fact which stands admitted by the Respondent No. 5, thus the land acquisition proceedings initiated under the Old Act 1894, stands lapsed in terms of Section 24 in terms of Right to Fair Compensation and Transparency



in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth for short 'the 2013 Act').

(iv) to grant any other relief/reliefs which the Petitioner is found entitled to in the facts and circumstances of the case."

3. The petitioner's father, late Ishwar Chandra Sinha was owner of a land having following details:

(i) Khata No.206;

(ii) Plot No.11;

(iii) Thana No.291;

(iv) area 61 decimal;

(v) Mauza-Bishunpur Saraiya, P.S. Deoria;

(vi) Block-Paroo, Muzaffarpur.

4. The aforesaid land was taken up for acquisition relating to **Hajipur-Sugauli New Railway Line Project** and a declaration to this effect was made **vide no.1689 dated 06.07.2006**. Thereafter, the land was acquired and physical possession was taken by the respondents in the year 2008. The amount the respondent fixed as compensation was **Rs.5,10,981/-** of which 80% payment of **Rs.4,08,785/-** was made, this



happened on **16.04.2010**. The land was declared as 'Bheeth'.

5. The petitioner who is son of late Ishwar Chandra Sinha having knowledge of non-payment of 20% and further that though the land was commercial, it was categorized as 'Bheeth', took recourse to Right to Informant Act from the office of the Sub-Registrar, Paroo, Muzaffarpur.

6. The **letter no.19 dated 13.01.2025** issued by the office, records that the said land at that relevant time (2004-06) was under commercial category.

7. Armed with the documents, the petitioner moved before Patna High Court in CWJC No.15586 of 2017 (Rajeev Ranjan vs. The State of Bihar and Ors.). It was disposed of on 30.08.2022 allowing the petitioner to approach the Land Acquisition, Rehabilitation and Resettlement Authority (henceforth for short 'the LARRA').

8. It is to be noted that in the said writ petition, a counter affidavit was filed on behalf of the State respondent duly signed by the Collector, Muzaffarpur and learned counsel for the petitioner took this Court to the paragraph no.8 (filed on 06.08.2022) of the said counter affidavit which read as follows:

"8. That in the year 2015 after commencement of new Act. 2013 the said



acquired land of 11.61 acre including the land of the petitioner, the compensation amount of the said land was determined and fixed as per provision of new Act. 2013. According to which the amount of compensation in respect of the acquired land of petitioner was fixed and determined Rs.10,64,032.00 in the name of Ishwar Chandra Sinha father of the petitioner. In compliance of the provision of law as contained in the RFCTLARR Act-2013.”

9. As per the observation of the Patna High Court, the petitioner moved before ‘the LARRA’ where the case was disposed of on **24.12.2024 (L.A. No.67 of 2022)** with an observation that it has the authority to entertain only those cases which is governed under ‘the 2013 Act’ and not otherwise. For all the old acts, the petitioner has to move before the competent Civil Court.

10. While disposing of the petition, ‘the LARRA’ discussed the order of the Patna High Court in the **CWJC No.4906 of 2018 (Indrajeet Kumar and Anr. vs. The State of Bihar and Ors.)** which was disposed of on **23.06.2023**. The relevant paragraph no.11 is quoted here in below:



“11. Meaning, thereby, those matters covered absolutely under the old Act; the persons who want to avail their rights and legal remedies under the old Act, and whose proceeding is pending under the old Act shall run according to the old Act. Meaning thereby, the case of the present petitioners which was absolutely covered under the old Act by virtue of power laid down under Section 114(2) of RFCTLARRA read with Section 6 of the General Clauses Act shall run before Sub Judge-1 only and not before any other Court.”

11. Aggrieved, the present writ petition.

12. Learned counsel for the petitioner submits that the respondent themselves are confused, the first award records the compensation amount as Rs.5,10,981/- of which 80% amount of Rs.4,08,785/- was paid. The respondents slept over the matter and chose not to pay the rest of the 20% alongwith the statutory interest.

13. In the earlier writ petition, the Collector, Muzaffarpur himself stated in the counter affidavit that the amount determined is Rs.10,64,032/-. Learned counsel has



taken this Court to the fresh affidavit filed in the present case by the District Land Acquisition Officer, Muzaffarpur and it records that the same is also being filed on behalf of the Collector, Muzaffarpur and paragraph no.27 read as under:

“27. That the statements made in paragraph-11 are admitted only to the extent that Tentative Award i.e. Award No. 32/Ka dated 14.03.2010 was prepared and 80% of the tentative compensation was disbursed to the father of the petitioner. Upon determination, the final award was declared on petitioner 08.03.2017. The petitioner has wrongly asserted in his writ petition that the award was declared on 14.03.2010. However, the contention that the award itself substantiates the commercial nature of the land is specifically denied. The award categorized the land as "Bhit land" on the basis of the official records.”

14. The submission is that now they have come to the conclusion that the final award has been declared only on 08.03.2017, though the land has been categorized as ‘Bheeth’ which the petitioner was never made aware of and only got the



knowledge when this counter affidavit has been filed. He as such submits that two decades have passed without the petitioner/family members enjoying the fruits of the acquisition process that took place when they were dislodged from their raiyati land which actually was a commercial land and the R.T.I. information has put a stamp on their stand.

15. He as such submits that the Collector, Muzaffarpur/appropriate respondent should take immediate steps to ensure that 20% amount alongwith statutory interest is/are released in favour of the family/petitioner and they be given right to agitate the matter so far as the categorization of land is concerned.

16. The stand of the State as presented by learned counsel is/are that two decades ago, the land has been categorized as 'Bheeth' land. However, it is a fact that 20% amount was not paid though 80% was cleared. So far as the different stand of the Collector, Muzaffarpur in the two counter affidavit are concerned, learned State counsel submits that once the petitioner approaches the Collector, Muzaffarpur, the entire facts relating to the land in question will come into picture and the petitioner shall also be paid the amount if he is able to produce all the relevant documents as required.



17. The Railways have also filed affidavit and their stand is that the entire acquisition amount stand transferred to the State Authorities and presently they do not have any role to play in the matter.

18. Having heard the parties and going through the records, the facts that are not controverted is/are:

(i) the petitioner/family member's land was taken for the Hajipur-Sugauli New Railway Line Project;

(ii) an award was prepared for Rs.5,10,981/-;

(iii) only 80% of the amount @ Rs.4,08,785/- was paid;

(iv) 20% amount alongwith the statutory interest was never released.

19. Further, again, the admitted fact is/are that:

(i) in the first writ petition, the stand of the Collector, Muzaffarpur, is/was that amount stand at Rs.10,64,032/-;

(ii) however, in the present writ petition, the stand is that the award has been prepared in the year 2017.

20. In that background, this Court is of the view that



even after the acquisition took place two decades ago and the petitioner's family was paid 80% of the amount, simultaneously, the process was on which reflects from the two different counter affidavits by two different Collectors of the Muzaffarpur, filed in the case of the petitioner. In that background, it would be appropriate that the entire facts/details that led the Collector, Muzaffarpur recording in the counter affidavit that award has been finally prepared in the year 2017 is/are handed over to the petitioner/family members/land holders.

21. Further, the Collector, Muzaffarpur shall also ensure that the 20% amount alongwith the statutory interest (from the date it became due till the actual payment is made) is/are clear to the petitioner/family members/landholders.

22. Once the documents/payments are made available, only then it can be ascertained whether the entire acquisition process relating to the petitioner has taken place according to the old act or it continued even after 'the 2013 Act' came into existence so that forum where he can agitate for categorization of land can be ascertained.

23. Since, the matter is of the year 2004-2006, it is expected that the Collector, Muzaffarpur will be taking a decision/making payment to the petitioner/family



member/landholders at an earliest and in no case, beyond three months from the date, the copy of the order alongwith the fresh petition is preferred before his/her office.

24. The petitioner will be free to raise all the points/issues that may be available to him under the law of the land before the Collector, Muzaffarpur before he/she takes a decision.

25. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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