

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9815 of 2026

=====

Gopal Prasad Yadav Son of Late Kamleshwari Prasad Yadav, Residing Azad Nagar, Near Chaiti Durga Chowk, Ward No.9, P.S. and District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Addl. Chief Secretary, Revenue and Land Reform, Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Madhepura.
4. The District Land Acquisition Officer, Madhepura.
5. The Deputy Collector, Land Reforms, Madhepura.
6. The Circle Officer, Madhepura, District-Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Additional Advocate General (9)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2026 Heard the parties.

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

“(i) for issuance of writ in the nature of mandamus for direction to the respondents for considering the case of the petitioner for rehabilitation in lieu of the land acquired in place of the others within the District of Madhepura of the same very cost of the land.

(ii) for further issue direction to the



respondents pay the compensation of the acquired land 3.75 Lakhs per decimal as running in the aforesaid area.

(iii) for further quashing notification contained Memo No.1584 dated 02.09.2011 issued by the Department of Revenue and Land Reforms (Directorate of Land Acquisition), Government of Bihar, Patna so far it relates to the petitioner whereby and whereunder the Government has notified the acquisition of the land of the petitioner along with others land who are mostly bonafide purchasers including Khatiyani Raiyats under the urgency clause for construction of police line under section 17 (1) of the Bihar Amendment in the Land Acquisition Act, 1894 (hereinafter referred to as Act, 1894) and thereby illegally dispensing with the mandate of Section 5 of the Act, 1894 under section 17 (4) of the Act, 1894 even though the possession of the land in question has yet not been taken after lapse of issued by the Department of Revenue and Land Reforms



(Directorate of Land Acquisition), Government of Bihar, Patna so far it relates to the petitioner whereby and whereunder the Government has notified the acquisition of the land of the petitioner along with others land who are mostly bonafide purchasers including Khatiyani Raiyats under the urgency clause for construction of police line under section 17 (1) of the Bihar Amendment in the Land Acquisition Act, 1894 (hereinafter referred to as Act, 1894) and thereby illegally dispensing with the mandate of Section 5 of the Act, 1894 under section 17 (4) of the Act, 1894 even though the possession of the land in question has yet not been taken after lapse of 13 years making the application of urgency clause by the state a nullity and an illegality. 13 years making the application of urgency clause by the state a nullity and an illegality.

(iv) for a declaration that the acquisition proceedings initiated vide the Memo No. 1580 dated 02.09.2011 has lapsed in terms of Section 24 (2) of the Right to Fair



Compensation and Transparency and Resettlement Act, 2013 (hereinafter referred to as the Act, 2013) as neither possession of the land in question has been taken as of yet nor the compensation in lieu of the said acquisition has been paid to the petitioners as also the said compensation has also not been deposited before any court in terms of section 31 of the Act, 1894.

(v) for a declaration that the land in question may be released in terms of Section 48 of the Act, 1894 as the State has already got the proposed quantum of land required for the construction of the police line and the land in question is not in the alignment and from the map it is apparent that it seems outside the boundary of the land acquired for the purpose of construction of police line.

(vi) for a direction upon the respondents to release the land in question from the acquisition proceedings.

(vii) for a declaration that the news paper reports and the communications of higher



officials of the Government of Bihar as also the inaction on the part of the State to take possession and to pay compensation for more than a decade have paved way for legitimate expectation to the petitioner; that his land shall not be utilized for the purposes of construction of proposed police line.

(viii) for issuance of direction upon the respondents, restraining them from taking any steps to demolish the houses of the petitioner till the issues involved in the present case is adjudicated.

(ix) for further give other legal consequential benefit to the petitioner.”

3. At the outset, learned State counsel submits that the document attached as annexures clearly show that the respondents have not taken any steps whatsoever warranting them to knock the doors of Patna High Court. All the documents that has been attached with the writ petition are of the period 2011 to 2013. As and when, any situation such arises, the petitioner will have the opportunity to once again come before this Court.



4. Learned counsel for the petitioner submits that if such liberty is available to him, it will suffice to him and in that background, the writ petition can be disposed of.

5. Recording the versions of the parties and granting liberty to the petitioner that if situation such warrants, he can move before the High Court.

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

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

