

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9935 of 2026

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1. Vijay Kumar Singh Son of Late Ram Bharat Singh, Resident of Mohalla Dariyapur Gola, P.S. Pirbahor, District Patna.
 2. Nagmani Singh Yadav Son of Late Ram Bharat Singh, Resident of Mohalla Dariyapur Gola, P.S. Pirbahor, District Patna.
 3. Anil Kumar Singh Son of Late Ram Bharat Singh Resident of Mohalla Dariyapur Gola, P.S. Pirbahor, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Municipal Commissioner, Patna Municipal Corporation, Patna.
6. The Town Commissioner, Patna Municipal Corporation, Patna.
7. The District Land Acquisition Officer, Patna.
8. The Circle Officer Patna Sadar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Himanshu Ranjan, Advocate
For the State	:	Mr. Vinay Kriti Singh, GA- 02 Mr. Rajan Prakash, AC to GA- 02
For the P.M.C.	:	Mr. Prasoon Sinha, Senior Advocate Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL JUDGMENT

Date : 08-07-2026

Heard learned counsel for the parties.

2. By invoking power of The High Court under
Article - 226 of the Constitution of India, the petitioner has
prayed for issuance of a declaration that the land acquisition
proceeding initiated by the State of Bihar vide Gazette



Notification No. 416 dated 07.10.1961, bearing land acquisition Case No. 63 of 1961-62 has lapsed in view of the specific provisions as contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 with an additional prayer for a declaration that the land in question appertaining to Plot no 614, Khata No. 50, Mauja – Dujra, PS – 4, Patna is free from acquisition and free from all encumbrances and claims arising therefrom over which respondents have no right, interest of any nature on the basis of aforesaid acquisition.

3. The learned Advocate for the petitioners submits that vide letter No. 8062 dated 16.05.2026 issued by Patna Municipal Corporation with respect to construction of “Prime Minister Ekta Mall” on Khesra No. 613 and 614, Mauza- Dujra, having an area of approx. 15 kattahs, without any prior notice and without giving any opportunity of hearing, has ordered for demolition of whatever constructions made on the piece of land as detailed hereinabove. He further submits that the employees of the corporation has resorted to the act of demolition and has in fact, demolished some portion of construction including the boundary wall constructed thereon.

4. At this stage, Mr. Prasoon Sinha, learned Senior Counsel duly assisted by Mr. Prabhat Kumar, learned advocate



appearing on behalf of the Patna Municipal Corporation submits that petitioner has approached this Court under Article- 226 without having approached the proper forum for a declaration that the land acquisition case initiated in the year 1961 have lapsed by virtue of application of Section 24 (2) of the 2013 Act. He further reinforces his submission by stating that in view of the specific provisions contained in Section 11A, as detailed under Part - II of the Land Acquisition Act, 1894 under the heading 'Acquisition', which lays down as to under what circumstances land acquisition process initiated under the Act No. 1 of 1894 shall be deemed to have lapsed and for the same the petitioner is under obligation to approach the proper authority.

5. Learned Senior Counsel further submits that the this writ application is fit to be dismissed merely on the ground of non-joinder of the necessary and proper party i.e., Buddha Grih Nirmaan Sahyog Samiti Limited through its honorary Secretary. He submits that the aforesaid Buddha Grih Nirmaan Sahyog Samiti Limited is the main contesting party and no order could be passed at the back of the aforesaid society.

6. Heard the parties and perused the records.

7. Under Section 24(2) of the 2013 Act relying on which the, petitioner has come for a declaration that the



proceedings of land acquisition initiated in the year 1961 be declared to have lapsed, cannot be exercised by this Court sitting in the writ jurisdiction. The proper forum for the petitioner is to approach the Collector of the district, raising his grievances and placing his case before him with supporting document that the land acquisition initiated in the year 1961 vide Land Acquisition Case No. 63 of 1961/62 has, in fact, lapsed in terms of provisions as contained in the 2013, Act and by virtue of operation of Clause (2) of Section 24, which as evident, has not been complied with, in the present case.

Section 24 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 is stated as follows:-

24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.-(1)
Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894.-

(a) where no award under Section 11 of the said Land Acquisition Act has been made then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has



not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

8. The perusal of aforesaid section indisputably lays down the circumstances under which a land acquisition proceeding would lapse:-

- i) Where no award under Section 11 of the Land Acquisition Act, 1894 have been made;
- ii) Where an award under Section 11 of the Old



Act has been made five years or more prior to the commencement of this Act but physical possession of the land has not been taken nor compensation has been paid thereof.

The aforesaid facts where the proceeding initiated for land acquisition has lapsed or not is to be decided keeping in mind the aforesaid pre-requisite conditions as stipulated in Clause 2 of Section 24 of the 2013, Act. This exercise can only be taken by the competent authority i.e. the Collector or any other appropriate authority which has jurisdiction over the same. For deciding the aforesaid matter evidence, verification of documents and necessary examination of all the materials germane to the issue are required to be looked into which could not and shall not be exercised by this Court sitting in writ jurisdiction.

9. The petitioners' main ground to approach this Court under writ jurisdiction has arisen on the account of demolition steps taken by the respondent Patna Municipal Corporation, which he claims, are not in consonance with the extant rules and as such, in these emergent situation he has approached this Court for protection of his right to be heard before such a demolition exercise is taken against him.

10. The perusal of the averments made in writ application also evince that the jumbled and disputed question



of facts have been raised. This Court finds itself incapable to decide the cause sitting in the writ jurisdiction without having taken any evidence from the relevant party contesting the issue. In the writ jurisdiction disputed question of fact cannot be gone into and can never be allowed to be entertained and that too in the absence of non joinder of the one of the most necessary parties i.e., Buddha Grih Nirmaan Sahyog Samiti Limited as evident from the submissions made on behalf of the Patna Municipal Corporation.

11. In this backdrop, learned counsel for the petitioner prays for the withdrawal of the writ application with liberty to approach the Collector, Patna for redressal of his grievances, so raised herein with a prayer to ameliorate the same as expeditiously as possible in consonance with the specific procedure laid down therein the Act.

12. To this submission made on behalf of the petitioner, learned Senior Counsel appearing on behalf of Patna Municipal Corporation contends that though he is not agreeable to such proposition but he will not object to it considering issue of non-compliance of the principal of natural justice which should have been followed being the mandate of the law, before any coercive action shall be taken against any of the parties concerned.



13. Thus, in this view of this matter the writ application is disposed of with the aforesaid liberty to the petitioner to approach the Collector, Patna within two weeks henceforth, by filing a proper application with the specific relief and duly supported by all relevant and necessary documents germane to proper adjudication and final determinative decision in the matter.

14. If such an application is filed with supporting documents on which petitioners relies heavily, same shall be entertained by the Collector, Patna and he will dispose of the same within a period of three weeks, having issued notice to all the concerned and having heard all the parties in the matter, by a speaking, reasoned and positive order, so that matter could be resolved once and for all.

15. It goes without saying that as manifest from the submission of the learned Senior Advocate Mr. Prasoon Sinha that Buddha Grih Nirmaan Sahyog Samiti Limited through its Honorary Secretary appears to be a necessary party, so it may also be added as one of the respondents/opposite party by the petitioner in his application and the Collector will also issue notice to the concerned on the petition so filed on behalf of the petitioner.

16. Till such decision is taken by Collector, Patna



finally disposing and adjudicating the issues placed before him under various provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in terms of provisions as comntained under Land Acquisition Act of 1894, as the case may be, no coercive action shall be taken against the petitioner and a *status quo qua* all the parties concerned, as on date, shall be maintained.

17. The Court has not expressed any opinion on the merit of the case and any observation made herein, shall only be used purposively by the Collector, Patna to decide the issue. He will have to apply his mind and decide the matter in consonance with the legal provisions set-out therein for deciding the issues in order to set at rest the controversy raised herein.

18. The writ petition stands disposed off.

(Rana Vikram Singh, J.)

Rakesh/
Supratim-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2026
Transmission Date	NA

