

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11917 of 2023

1. Suman Singh @ Suman Sharma Son of Late Ram Akbal Sharma Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
2. Binay Singh Son of Late Chandradeo Singh Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
3. Arun Kumar Tiwari Son of Siddeshwar Tiwari @ Chini Tiwari Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
4. Rabindra Sharma Son of Late Alakhdeo Sharma Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
5. Nawlesh Sharma Son of Bachchu Sharma Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
6. Surya Nath Singh @ Sharma Son of Late Rajju Singh Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
7. Laxman Tiwari Son of Raj Bahadur Tiwari Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.
8. Bimal Kumar Tiwari Son of Ram Pratap Tiwari Resident of Village-Bherharia, P.O.-Siyarampur, P.S.-Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Distirct Magistrate-Cum-Collector, Patna.
3. The Distirct Land Acquisition Officer, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Executive Engineer, Rural Engineer Organization, Patna Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 06-07-2026

Heard Mr. Neeraj Kumar, learned counsel for the
petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*i) for issuance of
appropriate writ, order or direction*



especially in the nature of certiorari for quashing the notice dated 09.05.2023 published in Hindi Newspaper "Dainik Bhaskar" under Section 19 (1) whereby Collectorate, Patna (District Land Acquisition Branch) has declared that for the project G.T.S.N.Y. and for Mukhya-Mantri Gram Sampark Yojna (G.T.S.N.Y.) Lands from Guran Bigha Road to Bherari Siyarampur Road) is required for construction of Road, and area of 0.6760 Acres vide Thana No. 328 Revenue Thana No. Bikram, Anchal-Paliganj, District- Patna.

ii) for quashing the Award No. 1, 2, 4 and 5 issued under Section 37(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 given to the petitioners.



iii) For a direction to the Respondent authorities not to take possession of land to be acquired.

iv) Any other relief or reliefs to which the petitioners are entitled in the facts and circumstances of this case.

3. The matter relates to a piece of land details of which is/are incorporated in paragraph no.4 of the petition and read as under:

(i) Plot No. 1314, 1315 of Petitioner No.1 Suman Sharma

(ii) lands of Petitioner No.2, Binay Singh vide Khata No. 368, S. Plot No. 1317 an area of 0.046 acres

(iii) Rabindra Sharma vide Khata No. 357 S. Plot No. 1412 an area of 0.18 acres

(iv) Chini Tiwari vide Khata No. 334, S. Plot No. 1425 an area of 0.1150 acres

(v) lands of Surya Nath Singh @



***Sharma, vide Khata No. 2585, S. Plot
No. 1762 an area of 0.055***

*(vi) lands of Bimal Tiwari, Laxman
Tiwari, Nawlesh Sharma are also
going to be acquired (details not
given).*

4. The respondent proposed to acquire the land under
‘Mukhyamantri Gramin Sadak Yojana’ (henceforth for short
‘the Yojana’).

5. Though not incorporated in this writ petition, the
submission put forward by the learned counsel for the petitioner
is/are that the mandatory notice under Section 11(i) of Land
Acquisition, Rehabilitation and Resettlement Act, 2013
(henceforth for short ‘the 2013 Act’) was never issued and
instead, the respondents straight away made the award
declaration.

6. Aggrieved, the present writ petition. Learned
counsel for the petitioners submits that the least that is expected
from the respondents is/are to issue notice to the petitioners
about their intention to acquire the property which must be
clear, cogent and meaningful.

7. In support of the case, learned counsel for the



petitioner, took this Court to an order of the **Hon'ble Supreme Court** in the case of **Kolkata Municipal Corporation and another vs Vimal Kumar Shah and Ors. reported in 2024 (3) (SC) (97)** with specific reference to paragraphs 24, 25, 27 and 30 which read as under:

24. the Right to property: A net of intersecting rights: There is yet another aspect of the matter. Under our constitutional scheme, compliance with a fair procedure of law before depriving any person of his immovable property is well entrenched. We are examining this issue in the context of Section 352 of the Act which is bereft of any procedure whatsoever before compulsorily acquiring private property. Again, assuming that Section 363 of the Act provides for compensation, compulsory acquisition will still be unconstitutional if proper procedure



is not established or followed before depriving a person of their right to property. We find it compelling to clarify that a rather undue emphasis is laid on provisions of compensation to justify the power of compulsory acquisition, as if compensation by itself is the complete procedure for a valid acquisition;

25. while it is true that after the 44th Constitutional Amendment, the right to property drifted from Part-III to Part-XII of the Constitution, there continues to be a potent safety net against arbitrary acquisitions, hasty decision-making and unfair redressal mechanisms. Despite its spatial placement, Article 300A which declares that "no person shall be deprived of his property save by authority of law has been



characterised both as a constitutional and also a human right¹⁰. To assume that constitutional protection gets constricted to the mandate of a fair compensation would be a disingenuous reading of the text and, shall we say, offensive to the egalitarian spirit of the Constitution.

27. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified albeit non-exhaustive. These are: (i) duty of the State to inform the person that it intends to acquire his property-the right to notice, (ii) the duty of the State to hear objections to the acquisition-the right to be heard, (iii) the duty of the State to inform the person of its decision to acquire



the right to a reasoned decision, (iv) the duty of the State to demonstrate that the acquisition is for public purpose-the duty to acquire only for public purpose, (v) the duty of the State to restitute and rehabilitate the right of restitution or fair compensation, (vi) the duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings-the right to an efficient and expeditious process, and (vii) final conclusion of the proceedings leading to vesting the right of conclusion.

30. Following are the seven principles:

30.1. The Right to notice: *(i) A prior notice informing the bearer of the right that the State intends to*



deprive them of the right to property is a right in itself; a linear extension of the right to know embedded in Article 19(1)(a). The Constitution does not contemplate acquisition by ambush. The notice to acquire must be clear, cogent and meaningful. Some of the statutes reflect this right.

(ii) Section 4 of the Land Acquisition Act, 1894, Section 3 (1) of the Requisitioning and Acquisition of Immovable Property Act, 1952, Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and Section 3A of the National Highways Act, 1956 are examples of such statutory incorporation of the right to notice before initiation of the land acquisition proceedings.

(iii) In a large number of decisions,



our constitutional courts have independently recognised the right to notice before any process of acquisition is commenced.

30.2. The Right to be heard: (i) Following the right to a meaningful and effective prior notice of acquisition, is the right of the property-bearer to communicate his objections and concerns to the authority acquiring the property. This right to be heard against the proposed acquisition must be meaningful and not a sham.

(ii) Section 5A of the Land Acquisition Act, 1894, Section 3 (1) of the Requisitioning and Acquisition of Immovable Property Act, 1952, Section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and Section



3C of the National Highways some statutory Act, 1956, embodiments of this right. are some statutory embodiments of this right.

iii) Judicial opinions recognizing the importance of this right are far too many to reproduce. Suffice to say that that the enquiry in which a land holder would raise his objection is not a mere formality.

30.3. The Right to a reasoned decision: *(i) That the authorities have heard and considered the objections is evidenced only through a reasoned order. It is incumbent upon the authority to take an informed decision and communicate the same to the objector.*

Act, 1894, Section 3 (2) of the (ii) Section 6 of the Land Acquisition Requisitioning and Acquisition of



Immovable Property Act, 1952, Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Section 3D of the National Highways Act, 1956, are the statutory incorporations of this principle.

(iii) Highlighting the importance of the declaration of the decision to acquire, the Courts have held that the declaration is mandatory, falling which, the acquisition exceedings will cease to have effect.

30.4. The Duty to acquire only for public purpose: *(i) That the acquisition must be for a public purpose is inherent and an important fetter on the discretion of the authorities to acquire. This requirement, which conditions the purpose of acquisition must stand to*



reason with the larger constitutional goals of a welfare state and distributive justice.

(ii) Sections 4 and 6 of the Land Acquisition Act, 1894, Sections 3(1) and 7(1) of the Requisitioning and Acquisition of Immovable Property Act, 1952, Sections 2(1), 11(1), 15(1) (b) and 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Section 3A(1) of the National Highways Act, 1956 depict the statutory incorporation of the public purpose requirement of compulsory acquisition.

(iii) The decision of compulsory acquisition of land is subject to judicial review and the Court will examine and determine whether the



acquisition is related to public purpose. If the court arrives at a conclusion that that there is no public purpose involved in the acquisition, the entire process can be set-aside. This Court has time and again reiterated the importance of the underlying objective of acquisition of land by the State to be for a public purpose.

30.5. The Right of restitution or fair compensation: *(i) A person's right to hold and enjoy property is an integral part to the constitutional right under Article 300A. Deprivation or extinguishment of that right is permissible only upon restitution, be it in the form of monetary compensation, rehabilitation or other similar means. Compensation has always been considered to be an integral*



part of the process of acquisition.

(ii) Section 11 of the Land Acquisition Act, 1894, Sections 8 and 9 of the Requisitioning and Acquisition of immovable Property Act, 1952, Section 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and Sections 3G and 3H of the National Highways Act, 1956 are the statutory incorporations of the right to restitute a person whose land has been compulsorily acquired.

(iii) Our courts have not only considered that compensation is necessary, but have also held that a fair and reasonable compensation is the sine qua non for any acquisition process.

30.6. The Right to an efficient and expeditious process: (i) The



acquisition process is traumatic for more than one reason. The administrative delays in identifying the land, conducting the enquiry and evaluating the objections, leading to a final declaration, consume time and energy. Further, passing of the award, payment of compensation and taking over the possession are equally time consuming. It is necessary for the administration to be efficient in concluding the process and within a reasonable time. This obligation must necessarily form part of Article 300A.

(ii) Sections 5A(1), 6, 11A and 34 of the Land Acquisition Act, 1894, Sections 6(1A) and 9 of the Requisitioning and Acquisition of Immovable Property Act, 1952, Sections 4(2), 7(4), 7(5), 11(5), 14, 15(1), 16(1), 19(2), 25, 38(1), 60(4),



64 and 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Sections 3C(1), 3D(3) and 3E(1) of the National Highways Act, 1956, prescribe for statutory frameworks for the completion of individual steps in the process of acquisition of land within stipulated timelines.

(iii) On multiple occasions, upon failure to adhere to the timelines specified in law, the courts have set aside the acquisition proceedings.

30.7. The Right of conclusion: (i)

Upon conclusion of process of acquisition and payment of compensation, the State takes possession of the property in normal circumstances. The culmination of an acquisition process is not in the payment of compensation, but also



in taking over the actual physical possession of the land. If possession is not taken, acquisition is not complete. With the taking over of actual possession after the normal procedures of acquisition, the private holding is divested and the right, title and interest in the property, along-with possession is vested in the State. Without final vesting, the State's, or its beneficiary's right, title and interest in the property is inconclusive and causes lot of difficulties. The obligation to conclude and complete the process of acquisition is also part of Article 300A,

(iii) Section 16 of the Land Acquisition Act, 1894, Sections 4 and 5 of the Requisitioning and Acquisition of Immovable Property



Act, 1952, Sections 37 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and Sections 3D and 3E of the National Highways Act, 1956, statutorily recognise this right of the acquirer.

(iii) This step of taking over of possession has been a matter of great judicial scrutiny and this Court has endeavoured to construe the relevant provisions in a way which ensures non-arbitrariness in this action of the acquirer 20. For that matter, after taking over possession, the process of land acquisition concludes with the vesting of the land with the concerned authority. The culmination of an acquisition process by vesting has been a matter of great importance. On this aspect,



the courts have given a large number of decisions as to the time, method and manner by which vesting takes place.

8. Accordingly, the contention is that having not followed the mandatory provision of the issuance of notices, the first principle of the right to notice having been breached, the decision taken by the respondents have to be interfered with.

9. A counter affidavit has come on behalf of the respondent no. 2 and 3 duly signed by the Additional District Land Acquisition Officer, Patna and learned State counsel has taken this Court to paragraph no.9 to 16 which read as under:

9. that preliminary notification under section 11 (1) of the RFCTLARR Act, 2013 has been issued vide letter no-2113, dated-02.09.2022 and Declaration vide letter no-1011, dated-03.05.2023. The possession has been handed over to Requisitioning Authority the on 27.01.2024;



10. that the rate fixation of the land has been done after considering the higher value of the average value of the sale deeds preceding three years from the notification and MVR has been considered.

The average of the sale deed has been found to be Rs.- 17,58,288.00 per acre whereas the MVR of the land in question which is agriculture in nature has been fixed to be 17,50,000.00 per acre. Thus the higher rate of Rs.-17,58,288.00 per acre has been considered for the calculation of the compensation amount to the land owners. Further 60% solatium amount to those land owners who have given their land on their own and addition of additional damages has been



added. The rate fixation report dated-12.06.2023 which has been approved by the Collector, Patna.

11. That the Award No-01, 02, 03, 04 and 05 (Annexure 05 series of the writ petition) has been prepared in the name of Sharma (Petitioner), Sharma, Kamata Suman Ravindra Singh and Chini Tiwari and issued under section-37 (2) of the RFCTLARR Act, 2013 in accordance with calculation as law as per the mentioned in the aforesaid paragraph.

12. That the land owners did not turn up for receiving the compensation amount inspite of several notices sent to them and paper publication also made in this regard. There has been no



application filed by the land owners for compensation amount receiving even the after 10 days of new paper publication made in Hindustan and Dainik Jagaran dated-01.12.2023.

13. That accordingly the District Land Acquisition passed order Officer, Patna has Memo vide No-119, dated-13.01.2024 whereby direction has been made for depositing the 100% compensation amount before the Learned Court of the Land Acquisition Rehabilitation and Resettlement Authority, Patna under section-77 (2) of the RFCTLARR Act, 2013.

14. That it is humbly submitted that earlier in the aforesaid



order, due to typing mistake the total compensation amount has been inadvertently mentioned as Rs. 1 28,72,796.00 instead of Rs.-48,72,796.00. The said amount of Rs-28,72,796.00 has been earlier sent vide Cheque No-086647, dated-25.01.2024 to the Learned Court of the Land Acquisition Rehabilitation and Resettlement Authority, Patna.

Thus an amended order vide Memo No-304, dated-29.01.2025 has been issued by the District Land Acquisition Officer, Patna whereby order has been passed directing the Nazir of the Land Acquisition District Office, Patna to send the remaining amount of



Rs.20,00,000.00 to the Learned Court of the Land Acquisition Rehabilitation and Resettlement Authority, Patna. The said amount of Rs.-20,00,000.00 has been sent to the Authority vide Cheque No-300536, dated-30.01.2025.

15. That it is apparent from the aforesaid facts that the answering respondents have taken needful action in accordance with law in the aforesaid matter.

16. That in view of the aforesaid facts, the notice dated-09.05.2023 under section 19 (1) of the RFCTLARR Act, 2013 issued by the Collector, Patna with regard to the aforesaid project is justified in the eyes of law.



10. Learned State counsel submits that contrary to the stand taken by the petitioners (not in the affidavits in the writ petition) that no notice was issued prior to the declaration of the award, it clearly reflects from the paragraph no.9 of the counter affidavit that vide **letter no.2113 dated 02.09.2022** notice under Section 11(i) of 'the 2013 Act' has issued and when no objection was received with regard to the land in question, only thereafter, the declaration vide letter no. 10011 dated 02.05.2023 came into existence.

11.Learned State counsel submits that 80% the work already stands completed but due to the petitioner putting spoke in the wheels, the entire work could not be completed yet.

12. Having heard the parties and pursuing the records, the facts that emerges is/are that the petitioners knocked the doors of the High Court with the prayer not to acquire their lands which they are cultivating. In the entire writ petition, no where it records that the notice under Section 11(i) of 'the 2013 Act' was not issued thus breaching the first principle mandated by the **Hon'ble Supreme Court** in the case of **Kolkata Municipal Corporation** (Supra).

13. Further, the matter was first heard by a coordinate bench on 09.01.2025 and while directing the respondents to file



affidavits, it was observed that status quo as existing today to be maintained.

14. The affidavits of the respondents came to be filed on 04.02.2025 after service of copy to the learned counsel for the petitioners. It recorded issuance of notice under **Section 11(i) of ‘the 2013 Act’ vide letter no. 2113 dated 02.09.2022.** The petitioners chose not to file any reply to the counter affidavit rebutting the stand of the respondents despite receiving the affidavit on 04.02.2025 till the matter has been taken up for hearing. In between, adjournments were sought for and granted by another coordinate bench on 31.10.2025, 11.11.2025 and 18.11.2025.

15. When the matter was lastly taken up on 16.06.2026, once again prayer for adjournment was made but a stand was taken by the learned counsel that he intends to converse with the petitioners regarding compensation on the receipt of compensation amount as 80% of the work stands completed. This court thus adjourned the matter.

16. However, today, learned counsel for the petitioner has taken up the non issuance of notice under Section 11(i) of ‘the 2013 Act’ to interfere with the decision. This Court repeats that no reply to counter affidavit(dated 04.02.2025) has been



filed by the petitioners rebutting the stand of the respondents that notice was indeed issued which followed the award.

17. This Court is thus satisfied that the respondents have followed the legal process in the said acquisition process which includes issuance of notice under Section 11(i) of 'the 2013 Act' to the declaration of award.

18. Regarding the **Hon'ble Supreme Court's** judgement in the **Kolkata Municipal Corporation (Supra)** cited by the petitioners, this Court observes that it no way applies in the case of the petitioners as they failed to rebut the specific stand taken by the respondents about the issuance of notice.

19. This Court further holds that the records show that the respondents followed the principles required in the case of acquisition as mandated in Kolkata Municipal Corporation (Supra). The petitioner never put forward their objection pursuant to the said notice and as such cannot claim that they were not heard.

20. Further, the acquisition has been made for '**the Yojana**' which is definitely in public purpose. Thus, the second principle also was fulfilled, further, it is not the case of the petitioner that they have not been given fair compensation as



mandated in **Kolkata Municipal Corporation(Supra)**.

21.The respondents have further taken efficient and expeditious process and have concluded the acquisition proceeding following all the legal procedure, thus, all the principles mandated in **Kolkata Municipal Corporation (Supra)**.

22. Lots of water has flown down the ganges and now the time has come for the respondents to complete the project which is pending since last 3-4 years. The petitioners, if so want can receive the compensation amount after presenting their respective documents.

23. The aforesaid facts have been incorporated. This takes the Court to only one conclusion. The writ petition lacks merit and is accordingly dismissed. The status quo order passed earlier gets merged with the order of dismissal.

24. Let the copy of the order be sent to the office of the Collector, Patna for his perusal/needful.

(Rajiv Roy, J)

Ravi/-Ankita

AFR/NAFR	AFR
CAV DATE	
Uploading Date	08.07.2026
Transmission Date	

