

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10723 of 2014

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1. Pankaj Kumar and Anr Son of Sri Vijay Kumar resident of Mohalla - Janakpur, P.O. Buniyadganj, P.S. Muffasil, District - Gaya
 2. Laxmi Kumari wife of Sri Ram Ugrah Prasad resident of village - Simri, P.O. Siripur, P.S. Belaganj, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Magadh Division, Gaya, Bihar
3. The District Magistrate - cum - Collector, Gaya
4. The District Land Acquisition Officer, Gaya
5. The District Sub Registrar, Gaya
6. The Director General of Border Security Force, Government of India, New Delhi - 62

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Adv.
For the Respondent/s	:	Mr. Kumar Manish, SC5
		Mr. Kumar Pankaj, AC to SC5

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 09-02-2026 Heard Mr. Krishna Kant Singh, learned counsel for
the petitioner and the State.

2. The present application has been preferred for the
following relief(s):

*(i) To issue a writ in the nature of
certiorari to quash and cancel the
notification published in Prabhat Khabar
edition dated 31.08.2013 and 01.09.2013
issued under the authority of Additional
Secretary to the Government of Bihar for
acquisition of total area of land 47.97 acre,*



wherein 6.24 decimal of land of petitioner no.1 bearing Plot No.14 and 9.36 decimal land of petitioner no.2, bearing Plot No.14, situated at Thana Village- Iguna, Anchal-Manpur, District-Gaya has P.S.-No.-310, Muffasil, been acquired, which has been notified in pursuance of notification vide Letter No.-15/DLA, Gaya (SSF) 05/13-2009, dated 19.08.2013 & dated 20.08.2013.

As also for quashing of the entire proceeding in connection with and emanating from the aforesaid notification for acquisition of said pieces of land of petitioners.

As also for quashing the notices issued and delivered to the petitioners by which the District Magistrate Cum Collector, Gaya has arbitrarily decided to pay 80% compensation to the tune of Rs.147823-00 & 219958-00 to the petitioner no.1 and 2 respectively which is not a justified payment decision.

As also to quash all proceeding emanating from af[5:48 PM, 2/9/2026] Vijay Singh: which is not a justified payment decision.

As also to quash all proceeding emanating from aforesaid proceeding based on Land Acquisition Act 1894, which is not sustainable in term of the Right to Fair



Compensation and Transparency in land Acquisition, Act-Rehabilitation and Settlement 2013 (in short Act 2013) which came into operation on 1st day of January, 2014.

(ii) To hold and declare that invoking the urgency clauses under section 17 (4) of the Land Acquisition Act 1894 as amended by Land Acquisition (Bihar Amendment) Act 1960 is not at all applicable in the case of land Acquisition of petitioners and other concerned land holders as well.

(iii) To issue a writ in the nature of mandamus to direct the respondents to initiate a fresh proceeding in respect of the land of petitioner in terms of Act 30 of 2013 and to pay compensation in accordance with the said Act.

As also to restrain the respondents from changing the Physical Position of the land of petitioners.

(iv) To grant any others reliefs to the petitioners for which entitled to have.

3. Learned counsel for the petitioner submits that they shall be taking steps in accordance with law in the light of earlier orders passed by the Co-ordinate Bench in the case of CWJC No. 4299 of 2014 (Satish Kumar vs. State of Bihar).



4. The State has no objection.

5. In that background, granting liberty to the petitioner to do the needful in accordance with law, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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