

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15767 of 2022

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Rakesh Narayan Singh Son of Late Kamal Deo Narayan Singh Resident of Village and P.O. and P.S.- Parbatta, District- Khagaria at present R/o 410, Pandey Mall Complex, Frazer Road, Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, Land and Revenue, Government of Bihar.
4. The Director, Land Acquisition Department Government of Bihar, Patna.
5. The Collector, Khagaria.
6. The Land Acquisition Officer, Khagaria.
7. The Circle Officer, Parbatta, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Narayansingh, Advocate
For the Respondent/s	:	Mr.Vikash Kumar, (SC11)
		Mr.Piyush Kumar Pandey, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-02-2026

Heard Mr. Rakesh Narayansingh, learned counsel appearing on behalf of the petitioner and Mr. Vikash Kumar, learned SC11 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought inter alia the following relief(s), which is reproduced hereinafter:-

“1. That this petition is being filed for issuance of an appropriate writ/writs, directing against the respondents for making payment of compensation amount of 8.10 bighas land of the petitioner which was taken by the respondents way back in 1976-77 for construction of Gogri-Narayanpur Embankment in different L.A. Case Nos. 76-77.”

3. Learned counsel appearing on behalf of the



petitioner submitted that during the year 1974–75, the Government decided to construct an embankment along the river Ganga, namely the Gogri–Narayanpur Embankment, for which large tracts of land were acquired by the State. In the course of construction of the said embankment, the petitioner's ancestral lands appertaining to Mauza Harinmar (Thana No. 376), Khata Nos. 26 and 39, Khesra Nos. 101 and 102, as well as, Mauza Timapur and Karari (Thana No. 379), Khata Nos. 300 and 164, Khesra Nos. 238 and 240, measuring a total area of 8 Bigha 10 Kattha, were also acquired after due initiation of land acquisition proceedings. Notifications under Sections 4 and 9 of the Land Acquisition Act, 1894, were issued by the then A.D.M., Munger. He further submitted that the said lands were ancestral properties which had fallen to the share of the petitioner's father pursuant to Title Suit No. (25/1949)/(41/1951), decided by the Court of Sub-Judge-I, Munger. Learned counsel submitted that the order sheet relating to payment and the records pertaining to compensation are missing and, as reported by the record keeper, no information is available regarding payment of compensation to the petitioner or his ancestors. He further submitted that the acquisition proceedings for construction of the Gogri Dam were initiated in



the year 1977–78 in accordance with the provisions of the Land Acquisition Act, 1894 and the petitioner having not received the requisite amount of compensation till date, finally filed the present writ petition. Learned counsel has further submitted that the due compensation payable to the petitioner is required to be calculated on the basis of the Minimum Value Register (MVR) as determined by the State Government for the vicinity in which the acquired land is situated. Learned counsel has also placed reliance upon the judgment passed by this Court in CWJC No. 14927 of 2021.

4. *Per contra*, learned counsel appearing on behalf of the State submitted that, in cases where compensation has been paid to the respective landholders whose lands were acquired for the construction of the Gogri Dam, the records relating to such landholders are ordinarily maintained in the office concerned. However, in the present case, it has been informed to this Court by the Land Acquisition Officer, duly affirmed in the affidavit dated 21.02.2023, that the records pertaining to Land Acquisition Case no.18 of 1967-68 and Land Acquisition Case No.76-77 are not available in the office. It has further been submitted that one of the petitioner's coparcener, in respect of his share of the acquired land, has already received



compensation. Information to this effect is contained in paragraph 7 of the counter affidavit filed by the Executive Engineer.

5. At this stage, learned counsel for the petitioner objected to the aforesaid submission and contended that, on the basis of incomplete and incorrect information, the respondents are seeking to deny the petitioner his lawful compensation in respect of the acquired land. He submitted that the Land Acquisition Officer has furnished erroneous information with regard to payment of compensation. Learned counsel further submitted that the statement contained in paragraph 7 of the counter affidavit cannot be relied upon, as the Land Acquisition Officer, in his subsequent affidavit has categorically admitted that no records relating to the land acquisition cases concerning to the petitioner are available in the office.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, the information contained in the present writ petition, counter affidavit and supplementary counter affidavit and other documents on records, it is an admitted position that, in Land Acquisition Case no.18 of 1967-68 and Land Acquisition Case No.76-77, the lands of the



petitioner were acquired for the construction of the Gogri Dam. It is further not disputed that, after acquisition and taking possession of the petitioner's land, the dam was constructed and has been completed. It is also admitted that, although the acquisition proceedings were undertaken and possession was taken, the records relating to the said land acquisition cases are presently not available in the office of the Land Acquisition Officer. The petitioner contend that the compensation award is pending since more than 50 years, seeking payment in terms of the applicable Government Resolution. The legal position governing such issues is no longer *res integra* and stands authoritatively settled by the Apex Court in the case of ***Indore Development Authority vs. Manoharlal and Others***, reported in ***AIR 2020 SC 1496*** which is reproduced hereinafter:

“366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is



no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. *The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.*

366.5. *In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.*

366.6. *The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).*

366.7. *The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).*

366.8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

366.9. *Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the*



legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

8. It is also to be taken note of that Article 300-A of the Constitution of India, which tends to safeguard the invaluable right to property.

“300-A. Persons not to be deprived of property save by authority of law

No person shall be deprived of his property save by authority of law.”

9. The State cannot disposes a citizen of his property except in accordance with law and procedure prescribed. The obligation to pay compensation is not expressively included in Article 300-A of the Constitution of India can be inferred in that Article. The law in this regard is well settled by the Apex Court in case of ***Vidaya Devi Vs. The State of Himachal Pradesh & Ors.*** reported in ***2020(2) SCC 569***, I find it proper to quote Para-12.1 and 12.2 of the said judgment, which are *inter alia* reproduced hereinafter;

“12.1. The appellant was forcibly expropriated of her property in 1967, when the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property [State of W.B. v. Subodh Gopal Bose, (1953) 2 SCC 688 , which could not be deprived without due process of law and upon just and fair compensation.

12.2. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of



his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1”

10. The above proposition of law has again been reiterated by the Apex Court in the case of ***Dharnidhar Mishra (D) and Another vs. State of Bihar and Others***, in Civil Appeal No. 6351 of 2024, ***reported in (2024) 10 Supreme Court Cases 605***, is relevant. The paragraph is reproduced as under:—

“ 16. The right to property ceased to be a fundamental right by the Constitution (Forty-fourth Amendment) Act, 1978, however, it continued to be a human right in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [See: K.T. Plantation (P) Ltd. v. State of Karnataka [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1.”

11. In such circumstances, when the question of right to property as per the provision of Article 300 A of the Constitution of India comes to the knowledge of this Court and also in view of the recorded evidence and the established MVR of the area, in which vicinity, petitioner's land has been acquired, this Court has no alternative than to direct the concerned authority to give due regard to the same and recalculate the amount of compensation at the current rate of



MVR so that the petitioner should not be made to suffer financially in any manner. The claim of the petitioner is supported by the judgment of the Apex Court in the case of *Indore Development Authority (Supra)* and the amendment brought in the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* in the year 2018. Admittedly, in the present case, the petitioner has not received the amount of compensation till date.

12. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2026
Transmission Date	NA

