

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17315 of 2025

1. Ruby Devi W/o - Shri Ajay Kumar, R/o - village- Nagarbasti, P.O. - Begampur, P.S.- Mathurapur, District- Samastipur, Bihar- 848101.
2. Ranju Devi, W/o- Baldev Purbe, R/o- Village - Ward No.- 09, Purbi Tola Harinagar, P.O.- Harinagar, P.S.- Harinagar, District- Darbhanga, Bihar- 848203.
3. Manju Devi, W/o - Brij Nandan Mahto, R/o- Village- Chakmehsi Uttara Sadhi, P.O. - Chakmehsi, P.S.- Chakmehsi, District- Samastipur, Bihar- 848302.
4. Sanjeev Kumar Mahto @ Sanjeev Kumar, S/o Late Madan Murari Mahto, R/o- Village - Nagarbasti, P.O. - Begampur, P.S. - Mathurapur, District- Samastipur, Bihar- 848101.
5. Manoj Kumar Mahto, S/o Late Laxmi Mahto, R/o village- Ward No. 08, Nagarbasti, P.O.- Begampur, P.S. - Mathurapur, District- Samastipur, Bihar - 848101.
6. Vijay Kumar Mahto, S/o Late Laxmi Mahto, R/o village- Ward No. 08, Nagarbasti, P.O.- Begampur, P.S. - Mathurapur, District- Samastipur, Bihar - 848101.
7. Shatrudhan Mahto, S/o- Late Laxmi Mahto, R/o village- Ward No. 08, Nagarbasti, P.O.- Begampur, P.S. - Mathurapur, District- Samastipur, Bihar - 848101.
8. Lalo Sah @ Krishna Kumar Saha, S/o- Ram Dayal Sah, R/o village- Ward No. 08, Nagarbasti, P.O.- Begampur, P.S. - Mathurapur, District- Samastipur, Bihar - 848101. Currently R/o- Plot No. 39, UGF, FF Block - V, Vishu Vihar, Uttam Nagar, P.O.- D.K. Mohan Garden, District- West Delhi, Delhi- 110059.
9. Ashok Kumar Garai, S/o- Chandradeo Garai, R/o - village - Ward No. - 08, Nagarbasti, P.O.- Begampur, P.S.- Mathurapur, District- Samastipur, Bihar - 848101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Managing Director, Bihar Rajya Pul Nigam Nirman Limited, Government of Bihar, Patna.
5. The District Magistrate, Samastipur, District- Samastipur.
6. The Additional Collector, Samastipur, District- Samastipur.
7. The District Land Acquisition Officer, Samastipur, District- Samastipur.
8. The Circle Officer, Warisnagar, District- Samastipur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.
Mr. Kanishk Kaushik, Adv.
Mr. Rajnish Prakash, Adv.
For the Respondent/s : Mr. Sanjeev Kumar, Adv.
For resp. no. 4 : Mr. P.K. Shahi, Sr. Adv.
Mr. Sanjiv Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 31-03-2026 Heard the parties.

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

I. For that Section-15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 prescribes provision of submission of objection to the notification issued under Section 11 of the 2013 Act, which the petitioner submitted before the Additional Collector, Samastipur on 03.05.2024, and before the District 13.09.2024. Land Acquisition Officer, Samastipur on However, without deciding and taking a final decision on objection, declaration under Section-19 was issued on 22.04.2025, which is absolutely nullity in the eyes of law.

II. For that Section-15 of the RFCTLARR Act, 2013 prescribes provisions of providing opportunity of hearing on the point of written objections but, here, the



respondent authorities without providing opportunity of hearing and without disposing of the objection under Section-15, issued declaration under Section-19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is absolutely in violation and abrasion of the specific provisions of the Act of 2013 as well as in violation of the principles of justice.

III. For that the petitioners submitted objections to the preliminary notification on the ground that the land of Village Hansa, which belongs to the petitioners, pertaining to Plot No.-870, 871, 872, and 873 are on the eastern side of the main approach road, whereupon the petitioners' and others' residential buildings are situated and if the approach road is constructed by acquiring land towards the western side, which is in Village Nagarbasti, minimum damage would be there, but without considering the objections raised by the petitioners, the declaration under Section-19 of the 2013 Act has been issued.

IV. For that the petitioners came across a report issued by the Circle Officer, Warisnagar dated-23.11.2023, wherein the land of petitioners pertaining to Plot No. 870, 871, 872, and 873 are mentioned and



the said lands are shown under Category Bhitha-1 & Bhitha-2 and has not shown any building, more particularly residential houses of the petitioners and the petitioners in their objection clearly highlighted that their houses are there. But even then without considering their objection notification has been issued and notices have been sent to the petitioners to receive compensation with respect to the land only.

V. That the entire action of the respondent authorities are highly arbitrary, illegal, and de hors the rules and are in violation of the principles of natural justice which has caused serious prejudice to the rights and interest of the petitioners.

3. Multiple petitioners are there and the details of land stands incorporated in the Notification No. 392 dated 22.04.2025. It relates to construction of a bridge over Budhi Gandak River under Warisnagar Circle in the district of Samastipur for which 3.63 acre land were required. The petitioners found themselves in the said list.

4. The claim is that an objection was preferred under Section 15(1) of the Land Acquisition, Rehabilitation and Resettlement Act 2013 (henceforth for short 'the Act') but without disposing it of, the respondents went ahead and the



contention is that bridge now stands constructed but the approach part has still not been constructed.

5. The further case of the petitioners is/are is that their lands is/are on the side of Hansa village. The claim is that if the respondents had timely taken care of and more acquisition would have taken place towards the Nagarbasti is concerned, their constructed buildings would have been saved.

6. The respondents have filed affidavits and there is no dispute between the parties that the bridge has been constructed and only the approach road is waiting for its completion.

7. Section 15 of 'the Act' records as under:

15. Hearing of objections. - (1)

Any person interested in any land which has been notified under sub-section (1) of Section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to-

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-



section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.

8. Further, Section 19 of 'the Act' read as follows:

19. Publication of declaration and summary of Rehabilitation and Resettlement.-(1) *When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2)*



of Section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1);

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:

Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:



Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under Section 11.

3. In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement and all declarations shall be made according to the stages so-specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:-

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to



in sub-section (1) shall indicate,-

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months,



if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

9. This Court has gone through the facts and submissions put forward by the parties. It can only record its anguish on the fact that without putting stamp on proposed construction, it gets started and the result is that the bridge is completed but the approach road is missing. In the process, lakhs of public money has been utilised without it being of any use to the public.

10. As the bridge has already come up, the respondents have limited options. However, to be fair to the petitioners, this Court can only record that if an objection was there under Section 15 of 'the Act', the respondents should have disposed it of before moving further.

11. This Court requests the respondents to see to it that when the bridge has already come up, whether there is any feasibility to save the constructed buildings of the petitioners or not as in any case, it is a national loss. It is however, made clear that the security of those pliers who will take that bridge/



approach road be foremost in the mind of the respondents and no compromise should be made so far as the construction of the approach road is concerned.

12. With the aforesaid observation, the writ petition is disposed of.

13. Pending I.A(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

