

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.540 of 2026

1. Ramashray Singh S/o Late Sakaldeo Singh
2. Krishna Nandan Singh, S/o Late Sakaldeo Singh
Both resident of village- Goshrawan, P.S.- Giriyak, Disrtrict- Nalanda,
Bihar, (803115).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Secretary, Department of Road Construction, Government of Bihar, Patna.
4. The District Magistrate Nalanda, At Biharsharif, District- Nalanda.
5. The Additional Collector, Land Reforms, Nalanda At Biharsharif, District- Nalanda.
6. The Deputy Collector Incharge cum Secretary, Public Grievance Cell Nalanda at Biharsharif, District- Nalanda.
7. The District Land Acquisition Officer, Nalanda At Biharsharif, District- Nalanda.
8. The Circle Officer (C.O.), Giriyak, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Aaruni Singh, Advocate
For the Respondent/s : Mr.Majid Mahbood Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 22-01-2026

Heard learned counsel appearing on behalf of the
petitioners and the land counsel for the State.

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

***“A. For issuance of an appropriate writ order or
direction commanding the respondents to pay the***



compensation amount to the petitioners at an enhanced rate as per claim made in representation date 06-06-2013, Petition dated 25-08-2014 as well as 20-03-2015 for the land of the Petitioners which has been acquired under emergent process while Notification dated 06-12-2013 and Declaration dated 09-12-2013 published in District Gazettes bearing P.R. No. 104/2013-14 for constriction of Pawapuri-Ghosrawan Road, situated in village Ghosrawan, Thana No.-309, Anchal-Giriyak, District-Nalanda.

B. For issuance of an appropriate writ order or direction commanding the Respondents to dispose of the Representation date 06-06-2013 as well as 20-03-2015 filed by the present Petitioners along with others before the District Land Acquisition Officer Patna, District- Patna with a prayer to pay the remaining compensation amount and also to enhance the rate of the land of the Petitioners.

C. For issuance of an appropriate writ order or direction commanding the Respondents either to pay the compensation amount at an enhanced rate as per claim made in Representation date 06-06-2013. Petition dated 25-08-2014 as well as 20-03-2015 to the Petitioners for the land of the Petitioners which has been acquired under emergent process or de-notify the said Notification by releasing the land of the Petitioners by handing over the possession over the land which has been acquired.

D. For issuance of an appropriate writ order or commanding the Respondents to make reference of the land Acquisition Case No. 10 of 2014-2015 to concern Land Acquisition Judge for re-evaluation of the land which initiated by the authorities on the Petition filed by the present Petitioners before the District Land Acquisition Officer District-Nalanda with a prayer to enhance the rate of the land of the Petitioners.

E. For any other relief of reliefs for which



Petitioners are entitled in the opinion of this Hon'ble High Court."

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are *raiyat* and their land was acquired for the purpose of construction of Pawapuri-Ghosrawan Road.

4. The description of the land has been mentioned in Paragraph No.4 of the writ petition.

5. Before acquisition of the land, the petitioners were given opportunity to file their objection and the petitioners did so by filing an objection as per the provisions of Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 (hereinafter to be referred as the 'Act, 2010') and the petitioners were paid the required compensation.

6. Learned counsel appearing on behalf of the petitioners informs that for similar relief(s), other family members of the petitioners had approached this Court by filing ***CWJC No.14048 of 2017 (Kanti Devi & Anr. Vs. The State of Bihar & Ors.)*** for making payment of required compensation on the basis of MVR in respect of the commercial land.

7. Learned counsel further informs that the petitioners had received compensation, as per the award, in the year, 2015 under protest and now the petitioners by filing the present writ



petition seeks difference amount of compensation after declaring their land to be 'commercial land'.

8. *Per contra*, Mr. Majid Mahboob Khan, learned counsel appearing on behalf of the State is opposing the reliefs, as prayed for in the present writ petition, on the ground that the land falling in the vicinity of the petitioners to be commercial land, as per the report of the Sub Registrar of the district prepared on the basis of Market Value Register (MVR) determined by the State Government for commercial land, as such, the petitioners are not entitled for any reliefs as prayed for in the present writ petition, as till date, the land of the petitioners is recorded as agricultural land and not non-agricultural land.

9. Heard the parties.

10. Having considered the rival submissions made on behalf of the parties, I find that it is admitted that the petitioners have been paid compensation in the year, 2015, under protest, which had been fixed for agriculture land and thereafter, the petitioners filed a representation before the District Land Acquisition Officer, Nalanda on 06.06.2013 and also before the District Magistrate-cum-Collector, Nalanda on 25.08.2014 to make payment of the compensation for commercial land as fixed in MVR but they have not heeded to the said request made



by the petitioners.

11. This Court finds that recently the State Government has come out with Bihar Agriculture Land (Conversion for Non-Agricultural Purposes) Act, 2010 for conversion of agricultural land to non-agricultural purpose after making payment of required conversion fee at the rate of current market value.

12. After coming into force of Act, 2010, the land of the petitioners was acquired on 06.12.2013, as such, the petitioners are themselves responsible for not getting their land converted into non-agriculture land, which was being used for commercial purpose and the rent was also being paid on the basis of revenue fixed for commercial land and it has been supported by the report of the Circle Officer, Giriyak as contained in Letter No.992 dated 28.09.2013 and the Sub Registrar, Rajgir, as contained in Letter No.93 dated 02.03.2015.

13. In view of the admitted position, as well as, the provision of Act, 2010, report of the Circle Officer, Nalanda, report of the Sub Registrar and the MVR fixed for the land in the vicinity where the land of the petitioners is located, I find that the petitioners may approach the Competent Authority, who is the Sub-divisional Officer, as per the provision of Section 5 of



Act, 2010, however, this will not come in the way of the District Land Acquisition Officer concerned for making payment of the required compensation at the rate of commercial value of the land, which was prevalent in the year, 2015 when the petitioners had admittedly accepted the amount of compensation calculated on the basis of MVR relating to the agriculture land though under protest.

14. The above exercise is required to be completed well within a period of three months from the date of passing of this order.

15. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2026
Transmission Date	NA

