

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14072 of 2022

Vijendra Rai, Son of Rajnath Rai, Resident of Village - Tiloth, Police Station
Piro, District - Bhojpur at Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Co, Bhojpur.
2. The Circle Officer, Piro, Bhojpur.
3. The Assistant Electric Engineer, South Bihar Power Distribution Company Limited an undertaking of the State of Bihar, Electric Supply Division, Piro, District- Bhojpur at Ara.
4. The Land Acquisition Officer, Agricultural Bhaven, Ara, Bhojpur.
5. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nirmal Kumar, Advocate
For Respondent No.3	:	Mr. Vivek Prasad, SC
		Mr. Pratiyush Kumar, AC to SC
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT

Date : 29-09-2026

Heard learned counsel for the petitioner, learned
counsel for the Respondent No.3 and the learned counsel for the
State.

2. The present writ petition has been filed with the
following reliefs:

“1. That this is an application for issuance of a writ in the nature of Mandamus directing the respondents to pay the compensation of the land of the petitioner which has been acquired by the respondent without any notice and without



payment of any amount to the petitioner nor any procedure of acquisition has been followed by the respondents at any stage and the respondents have already started construction over the land in question when the petitioner is a title holder of that land and the land is still in possession of the petitioner and further for issuance of any other appropriate writ or writs or direction or directions may be issued in the interest of the petitioner and further direct the respondent not to interfere with the right, title, interest and possession of the petitioner over the land in question save and except in accordance with law”.

3. The case of the petitioner is that on 19.12.1967, the petitioner and his ancestors purchased land of Mouza Piro, bearing Khata No. 373 old, 638 new, Plot No. 1804 old, 1731 new, from one Bir Bahadur Bhartee, by a registered sale deed, the petitioner being entitled to 1/6th share of the total 85 decimals of land so purchased jointly by 4 persons. Parasnath Rai was the grandfather of the petitioner, who had two sons, Jagdish Rai and Rajnath Rai. Jagdish Rai's wife Panwati Devi died issue-less in 2011, and Jagdish Rai died on 25.11.2014, following which the property devolved upon the petitioner as Class I legal heir, and the petitioner took possession of the land. The petitioner thereafter got his name mutated, and rent receipts



came to be issued in his favour for Khata No. 638, Plot No. 1731. The petitioner filed an application for demarcation of the land before the Circle Officer on 21.06.2019 and deposited Rs. 1700/- for measurement, for which a receipt was granted on 11.11.2020, but no effective step was taken. The petitioner thereafter filed an application before the Sub Divisional Officer, Piro, Bhojpur for measurement of the land. During the course of measurement, it came to the knowledge of the petitioner that the land had been acquired by the Electricity Department without any payment and without any award having been made by the competent authority. When the petitioner approached the respondents for payment of compensation, it was disclosed that no proceeding for acquisition of the land had in fact been undertaken by the respondents, and due to urgent need, construction had already been started without any notice to the petitioner, nor had any amount been paid.

4. Learned counsel for the petitioner submitted that the petitioner, is the title holder of the land in question by virtue of the registered sale deed dated 19.12.1967 and subsequent inheritance, with his name mutated and rent receipts issued in his favour and as such the respondents could not have acquired the land and commenced construction thereon without any



notice, without following any procedure of acquisition and without payment of any compensation. It was further submitted that the land being commercial in nature, the petitioner is entitled to compensation at its commercial value.

5. Learned counsel for the State/Respondent Nos. 2, 3 and 4 submitted, that it is evident from the Certified Land Plan dated 27.05.1977 that 3.62 acres of land in village Piro, including Survey Plot No. 1731 measuring 0.85 acre, was acquired for construction of a 33/11 K.V. Power Sub-Station Scheme, vide Declaration No. 1003 D.L.A. Electric 27/77 dated 10.03.1977, published in the District Gazette, through Land Acquisition Case No. 1/5 of 1977-78 under the Land Acquisition Act, 1894, possession whereof was handed over to the Electrical Engineer, Arrah on 27.05.1977.

6. Learned counsel for the State/Respondent Nos. 2, 3 and 4 further submitted that in the said acquisition proceeding, an Award of Rs. 18,300.30 was determined in favour of Bir Bahadur Bharti, in respect of Survey Plot No. 1731 of 0.85 acre, and that the balance amount of Rs. 37,181/-, inclusive of the said sum, was deposited by Challan No. 02 dated 12.07.1979 in the Arrah Treasury.

7. Learned counsel for the Respondent Power



Company submitted, that the land measuring 3.62 acres, including Plot No. 1731 of 85 decimals, was duly acquired long ago under the Land Acquisition Act pursuant to the aforesaid Declaration and L.A. Case No. 1/5 of 1977-78, and that it is evident from the sale deed contained in Annexure P/1 i.e., the petitioner's own annexure to the writ petition that the land in question was conveyed by Bir Bahadur Bharti, to whom compensation had already been awarded.

8. Learned counsel for the Respondent Power Company further submitted that the acquisition had further attained finality inasmuch as Title Suit No. 75 of 1977 was dismissed, the consequent Title Appeal No. 53 of 1993 was also dismissed vide judgment dated 07.11.2003 in favour of the State, and that the possession of the acquired land was duly handed over to and continues to be utilized by the Electricity Department for public purposes and that the compensation amount was duly deposited with the competent Land Acquisition Authority regarding which no objection was raised at the relevant time, as such the writ petition suffers from gross delay and laches and is liable to be dismissed with costs.

9. Having heard the learned counsel for the parties and perused the records, it is clear that by way of this writ



petition, the petitioner is attempting to challenge Land acquisition proceedings that concluded in 1977, and for which compensation has already been paid. Here, it is important to note that the petitioner's claim is heavily barred by the doctrine of delay and laches. The doctrine follows a basic maxim: "Equity aids the vigilants, not those who sleep on their rights".

The Hon'ble Apex Court in the case of ***Union of India v/s M.K. Sarkar*** reported in ***(2010)2 SCC 59***, in para 15 and 16 held that;

"15. When a belated representation in regard to a "stale" or "dead" issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the "dead" issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

16. A court or tribunal, before directing "consideration" of a claim or representation should examine whether the claim or representation is with reference to a "live" issue or whether it is with reference to a "dead" or "stale" issue. If it is with reference to a "dead" or "stale" issue or dispute, the court/tribunal should put an end to the matter



and should not direct consideration or reconsideration. If the court or tribunal deciding to direct "consideration" without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and laches. Even if the court does not expressly say so, that would be the legal position and effect."

(Emphasis Supplied)

10. In view of the above, this Court is of the opinion that “delay defeats equity” and the Courts will not assist the indolent or tardy.

11. Accordingly, the writ petition is dismissed.

(Alok Kumar, J)

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