

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17144 of 2008

DR.RASH LAL YADAV and ORS

... .. Petitioner/s

Versus

THE STATE OF BIHAR and ORS

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 3316 of 2010

DR. RASH LAL YADAV and ORS.

... .. Petitioner/s

Versus

STATE OF BIHAR and ORS.

... .. Opposite Party/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17144 of 2008)

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Respondent/s : Mr. Lalit Kishore, AG
Mrs. Binita Singh, Adv.

(In Miscellaneous Jurisdiction Case No. 3316 of 2010)

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Lalit Kishore, AG
Mrs. Binita Singh, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 23-06-2020 On a special mentioning made by the learned Advocate General, keeping in view the issues involved and the importance of the matter, we deem it appropriate that the matter be heard by a Division Bench.

From the record it appears that acquisition proceedings stood culminated with the passing of the award dated 1989. This



was under the provisions of the Land Acquisition Act. After a period of 20 years, the petitioners sought reference under Section 18 of the said Act, which request was turned down by the District Magistrate. Challenging the said order the petitioners filed the instant petition on 25th November, 2008.

It is seen that the State has invested huge amount of money in the construction of an irrigation project which was required to cover huge tract of land in the State of Bihar. Only on account of an interim order dated 8.9.2015, development of the said project could not take place thus causing huge loss as also adversely affecting public interest.

Yesterday when the matter was listed, learned counsel telephonically informed his inability to appear, hence the matter was adjourned for today.

Today Mr. Praveen Kumar, learned counsel appearing for the petitioners states that the original counsel Shri Bishnu Kant Dubey is unwell and on account of pandemic COVID-19, is unable to access his office situated in the Bar Council building and as such prays for four weeks time.

Ordinarily we would have had no hesitation in considering such a prayer but considering the urgency involved in the matter, in public interest, such request is turned down. In view



of the ensuing monsoon season, any further delay of the project would cause monetary loss and destruction of public property. However, we adjourn the matter by one day, to enable Shri Praveen Kumar to assist this Court.

Learned Advocate General states that Xerox copy of the entire paper book shall be made available to Shri Praveen Kumar.

At this stage, Sri Praveen Kumar under instructions from the original counsel states that the matter be adjourned for Friday (26.6.2020) when either the original counsel or he himself shall assist the Court and make submission both on the interim application as also on the merits of the case. At this stage he also states that he shall ensure that the record of the file is taken out from the office of the original counsel and that there is no need for the State to provide the paper book. Ordered accordingly.

List on 26.6.2020.

File of MJC No.3316 of 2010 is detached as it stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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