

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.4856 of 2011**

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1. Sri Chhote Lal Mandal Late Nimu Mandal Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  2. Sri Brij Bihari Ojha Late Niwas Ojha Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  3. Sri Musaheb Rai Late Shital Rai Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  4. Sri Raghunath Mishra Late Ram Dayal Mishra Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  5. Sri Ranjan Kumar Late Muneshwar Pd. Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  6. Sri Jagannath Pd. Late Potan Pd. Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  7. Sri Chaturbhuj Ray Late Ujagare Rai Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  8. Sri Shyam Nandan Thakur Late Saukhi Thakur Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  9. Sri Akhilesh Nandan Sahay Late R.B. Sahay Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna
  10. Sri Tarkeshwar Pd. Late Nandu Pandit Reserve Bank Co-Operative Colony, East Bhutnath Road, Jai Prakash Nagar, Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar Through Its Director, Land Acquisition Department, Patna
2. 2. The Finance Service Co-Operative House Construction Society Ltd. Patna Through Its Secretary 407, Tara Tower, North Shastri Nagar, Patna
3. The Collector ,Patna
4. The Land Acquisition Officer, Patna Collectorate, Patna
5. Additional Collector, Land Acquisition, Patna Collectorate, Patna
6. The Patna Municipal Corporation, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Shekhar Dwivedi, Sr. Advocate  
Mr. Ranjan Kumar Duvey  
Mr. Rakesh Chandra  
Ms. Sangeeta Sharma  
Mr. Satyendra Shukla  
Mr. Parth Gaurav

For the State : Mr. Bijoy Kumar Sinha, AC to AAG-9

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**  
**and**  
**HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**  
**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

3 15-12-2015

Learned counsel for the petitioner points out that the modification petition has been filed by the present 10 petitioners as the original petitioner No. 1 to the writ petition, CWJC No. 2962/1983, namely, The Reserve Bank of India Employees Co-operative House Building Society Limited has since been superseded by the Registrar Co-operative Society and it was clearly averred in the original writ petition itself that the petitioner no. 1- Society had purchased 18 kathas 16 dhurs land of Tauzi No.126, Khata No. 274, plot no. 188 through 4 registered sale deeds in the year 1979 and the said land had been allotted to the members of the petitioner-society, the details regarding which were given in para-5 of the writ petition showing the ten members out of whom 9 are the present petitioners of the modification petition and the petitioner no. 5, Shri Ranjan Kumar is the son of one of the original members of the society who was allotted the land, namely, Muneshwar Prasad as stated in para-5 of the writ petition. It is thus, submitted that the petitioners in the said circumstances, are fully competent to maintain the present modification petition.

The present modification petition has been filed only for correction of an inadvertent error that has crept in the



description of the area of land as mentioned in para-34 of the order dated 20.6.2001 passed by a Division Bench of this Court in a batch of writ petitions including CWJC No. 2962 of 1983. In the said para-34, the land has been described as Plot No. 188, Area 09 kathas 16 Dhurs, date of purchase 1979 with remarks - purchased by Society and subsequently allotted to the ten members.

It is stated by learned counsel for the petitioners that as per para-4 of the original writ petition the area as already stated above of the said land was 18 Kathas 16 Dhurs which area of land was specifically mentioned and admitted in para-13 of the counter affidavit filed on behalf of the respondent Nos. 1, 3, 4 and 5 sworn by the Surveyor-cum-Draftsman in the Land Acquisition Office, Patna.

We had called for the original records but unfortunately the main writ petition is not to be found on the record; however, the counter affidavit filed on behalf of the respondent nos. 1, 3, 4 and 5 is available and the said admission with regard to the area of the land being 18 Kathas 16 Dhurs is to be found in para-13 of the said counter affidavit.

In the aforesaid view of the matter, para -34 of the order dated 20.6.2001 passed in CWJC No. 2962 of 1983

and its analogous cases is modified to the extent that the area of Plot No. 188 as stated therein is to be read as “18 Kathas 16 Dhurs”.

The modification petition is, accordingly, disposed of with the aforesaid modifications in the order concerned.

**(Ramesh Kumar Datta, J)**

S.Pandey/-

**(Sudhir Singh, J)**

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