

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22170 of 2012

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1. Satya Narayan Singh, S/O Late Bihari Singh
2. Ramadhar Singh, S/O Late Ram Chandra Singh
3. Kashi Nath Bhagat @ Kashi Nath Singh, S/O Late Radha Singh
4. Surendra Singh, S/O Late Dudh Nath Bhagat
5. Keoli Kuer, W/O Late Shiv Bhajan Bhagat
All Resident Of Village- Saheb Tola P.S.- Behea District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar,
New Secretariat, Patna
2. The Collector, Bhojpur
3. The Land Reforms Commissioner, Bihar Patna
4. The Administrator, Bihar Agricultural Marketing Board, Pant Bhawan
Patna
5. The Special Officer, Bihar Agricultural Marketing Board, Pant Bhawan
Patna
6. The Circle Officer, Jagdishpur, Bhojpur
7. The Circle Inspector, Jagdishpur, Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Sushmita Mishra
For the Respondent/s : Mr. Ravindra Kumar, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

11 01-12-2015

Heard the parties.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to consider their case for releasing the lands, already acquired, in terms of Section 48 of The Land Acquisition Act, 1894 (in short 'Act, 1894').

At the very outset, the learned AC to AAG-10 appearing on behalf of the respondents, by referring to the averments made in the counter affidavit filed on behalf of the respondent nos.2 and 6, submits that the present writ petition is hit by constructive res judicata in view of the judgment and order



dated 22.07.2003 passed in CWJC No.4294 of 2003 by a learned Single Judge of this Court, as contained in Annexure-10, and is liable to be dismissed on that ground alone. It is contended that, in the aforesaid writ petition, the petitioner nos.1 to 4 had approached this Court challenging the validity and correctness of the land acquisition proceeding and award prepared thereto and had also prayed for exclusion of the lands in question from the land acquisition proceeding, but the aforesaid writ petition was finally dismissed by this Court, which has attained its finality.

On the query made by this Court, the learned counsel appearing on behalf of the petitioners submits that it is true that the petitioner nos.1 to 4 had filed the aforesaid writ petition vide CWJC No.4294 of 2003, which was dismissed by a Bench of this Court, but so far the petitioner no.5 is concerned, he was not a party in the aforesaid writ proceeding. She conceded that against the aforesaid judgment and order dated 22.07.2003 passed in CWJC No.4294 of 2003, no appeal was filed by the petitioners of that case, but according to her the procedure prescribed under the Act, 1894 and the Rules made thereunder were not followed while acquiring the lands of the petitioners. Therefore, the lands of the petitioners are required to be excluded from the land acquisition proceeding.

This Court is afraid, the submissions made by the learned counsel appearing on behalf of the petitioners are completely misconceived and have to be rejected. Indisputably, the land acquisition proceeding with respect to the lands of the petitioners was initiated long long ago and award was finally prepared on 31.03.1992. The writ petition filed on behalf of the petitioner nos.1 to 4 was admittedly dismissed vide order dated

22.07.2003 (Annexure-10) on the ground of delay, laches, negligence and acquiescence. The petitioner nos.1 to 4 did not challenge the aforesaid order either in LPA or before Hon'ble Supreme Court. Therefore, that order has attained its finality. Furthermore, so far the petitioner no.5 is concerned, he is trying to raise the same issues after more than 20 years from the date of preparation of the award.

In the aforesaid factual matrix, this Court is of the opinion that the present writ petition is devoid of merits and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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