

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.208 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 8488 of 2005
Along with
Interlocutory Application No.965 of 2015

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1. Puja Verma D/o Late Maruti Prasad Verma
 2. Sudha Verma W/o Maruti Prasad Verma and daughter of Professor Baidya Nath Sahay
Both residents of House No.139, Road No. 23, Sri Krishna Nagar, P.S. Budha Colony, District - Patna

.... Petitioners- Appellants

Versus

1. The Patna Regional Development Authority through its Chairman, Maurya Lok, Patna Police Station Kotwali, Patna.
2. The Vice Chairman, Patna Regional Development Authority, Maurya Lok, Patna Police Station Kotwali, Patna.
3. The Director, Patna Regional Development Authority, Maurya Lok, Patna Police Station Kotwali, Patna.
4. The District Land Acquisition Officer, District – Patna.
5. The Anchaladhikari, Patna Sadar, Patna.
6. Patel Grih Nirman Sahyog Samittee Limited through its Secretary, Muneshwar Prasad. Son of Late Sadhu Saran Sinha, R/o Rajendra Nagar, Patna, P.S. Kadamkuan, District – Patna.
7. The Patna Municipal Corporation through its Municipal Commissioner, Patna.
8. The Municipal Commissioner, Patna Municipal Corporation, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellants : Mr. Ashutosh Ranjan Pandey, Advocate

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-04-2016

Re.: Interlocutory Application No.965 of 2015

The application is for condonation of delay of 30 days
in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause is disclosed for condonation of delay. Consequently, the delay of 30 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.208 of 2015

The appellants claim to be the purchaser of land measuring 6 kathas 8 dhurs, i.e. about 20 decimals, of land comprising in Khesra no.462 from one Lalita Devi vide sale deed dated 18.10.1978. Land measuring 5.22 acres of Khesra no.462 became subject matter of acquisition by the State Government. The assertion of the appellants is that the land purchased by the appellants is not the subject matter of acquisition as their land is separate from the land which has been acquired.

The learned Single Bench has rightly found that disputed questions of fact, such as identification and demarcation of the land are involved; therefore, the appellants were relegated to the Civil Court of competent jurisdiction for appropriate declaration or other forum where the appellants would like to get their dispute resolved.

Whether the land of the appellants is part of the land

acquired or not cannot be decided in the writ proceedings as it will be subject matter of evidence whether the land of the appellants falls within 5.22 acres of land which stands acquired by the State for a public purpose.

The stand of the Patna Regional Development Authority is that the land of the appellants is part of the acquisition, therefore, the question whether the land of the appellants was subject matter of acquisition or not is an issue which cannot be decided in writ proceedings, but requires to be adjudicated upon by a Court of fact.

In view thereof, we do not find any illegality in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N. A.
Uploading Date	
Transmission Date	