

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18350 of 2012

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Birendra Kumar Son Of Sri Ram Keshwar Patel, Resident of Village- Salarpur,
P.S.- Daniyawa, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna, District- Patna
3. The Land Acquisition Officer, Patna, District- Patna
4. The Circle Officer, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18528 of 2012

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Shobha Singh W/O A.K. Singh, R/O Vill.- Baradih, P.O.- Baradih, Distt.- Rohtas.
At Present Quarter No. B- 41, Mecon Colony Shyamli P.O. And P.S.- Doranda,
Distt.- Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum Collector, Patna
3. The Director, Land Acquisition, Patna
4. The Ad District Land Acquisition Officer, Patna
5. The District Land Acquisition Officer, Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18529 of 2012

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Uday Shankar Prasad Son Of Late Sarjug Prasad, Resident of Phulwari Sharif, P.S.-
Phulwari Sharif, District- Patna, At Present Resident of Mohalla- Housing Colony,
Rajendra Nagar, P.S.- Chas, District- Bokaro

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Patna, District- Patna
3. The Land Acquisition Officer, Patna, District- Patna
4. The Circle Officer, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18926 of 2012

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Jagdish Prasad son of late Dwarika Prasad, resident of Village- Varoura, P.S. Chandi, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Patna, District- Patna
3. The Land Acquisition Officer, Patna, District- Patna
4. The Circle Officer, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19217 of 2012

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Anita Prakash Wife Of Sri Om Prakash, Resident of Village - Amber, P.S. - Biharsharif, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna , District - Patna
3. The Land Acquisition Officer, Patna, District - Patna
4. The Circle Officer, Phulwarisharif, P.S. - Phulwarisharid, District - Patna

.... Respondent/s

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Appearance :

(In CWJC No.18350 of 2012)

For the Petitioner/s : Mr. Sushanta Kumar Das, Adv.
Mr. Manohar Prasad Lal, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG
(In CWJC No.18528 of 2012)

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.
Mr. Radha Mohan Pathak, Adv.

For the Respondent/s : Mr. P.K. Verma, Sr. Adv.
Dr. Mankeshwar Tiwari, AC to AAG-3

(In CWJC No.18529 of 2012)

For the Petitioner/s : Mr. Sushanta Kumar Das, Adv.
Mr. Manohar Prasad Lal, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG
(In CWJC No.18926 of 2012)

For the Petitioner/s : Mr. Sushanta Kumar Das, Adv.
Mr. Manohar Prasad Lal, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG
(In CWJC No.19217 of 2012)

For the Petitioner/s : Mr. Sushanta Kumar Das, Adv.
Mr. Manohar Prasad Lal, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 14-12-2016



In all the above five writ petitions, the issues of fact as also the issues of law involved are almost common and identical; therefore, on the request of the parties, all the matters have been heard together and are being disposed of by this common judgment.

The matter in issue is the validity and correctness of the land acquisition proceeding initiated by the respondent District Land Acquisition Officer, Patna on the requisition made by the Municipal Commissioner, Patna Municipal Corporation, Patna for construction of Solid Waste Management Scheme. The lands proposed to be acquired are situate at village Ramachak, Thana No. 118, District Patna.

The grievance of the petitioners of all the above five writ petitions is that though, certain plots of lands belonging to them, are also subject matter of land acquisition proceeding in question, but compensation amount has been paid to some other persons, and the petitions filed by them for consideration of their claim and for payment of compensation amount are not being decided by the competent authority and if at all decided, it has not been properly decided after hearing all the parties. Therefore, in all the above writ petitions, prayer has been made for issuance of a direction to the concerned respondents for payment of compensation amount to them with respect to the lands belonging to them, which all have detailed in aforesaid writ petitions.

From the pleadings of the parties as also after hearing the learned counsel appearing on their behalf, it appears that for acquisition of altogether 48.86 acres of land situate at village Ramachak, Land Acquisition Case No.10 of 2008-09 and Land Acquisition Case No. 11 of 2008-09 were initiated by the District Land Acquisition Officer, Patna by invoking the provisions of Section



4 read with Section 17(4) of The Land Acquisition Act, 1894 (in short 'Act, 1894'). It also appears that under the provisions of Section 17(3-A) of the Act, 1894, 80% compensation amount has been paid to the interested persons, whose names have been mentioned in the counter-affidavit filed on behalf of the respondents. It is admitted case of the parties that though, the land acquisition proceeding was initiated in the year 2008-09, but till date award has not been prepared in terms of Section 11 of the Act, 1894. The grievance of the petitioners in all these writ petitions is that 80% amount of compensation has not been paid to the rightful owners of the lands in question, rather some other persons having no valid right and title over the lands in question, have obtained 80% amount of compensation by producing fake/forged documents.

Indisputably, awards have not been prepared in the land acquisition cases in question under the provisions of the Act, 1894. The aforesaid Act, 1894 stood repealed by virtue of the provisions contained in Section 114(1) of The Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'Act, 2013'). In the aforesaid factual matrices, for preparation of award with respect to the lands in question, the provisions of the Act, 2013 will be applicable in view of the provisions contained in Section 24(1)(a) of the Act, 2013.

Now, it is the common case of the parties that the matter is still sub-judice before the Collector under the Act for preparation of award. It is also the case of the petitioners that they filed their respective representations/ objections before the respondent District Land Acquisition Officer, Patna for payment of compensation for the lands claimed by them, but those representations/ objections have not been disposed of, and if at all disposed of, opportunity of hearing was



not given to all concerned.

In above view of the matter, the petitioners of all the writ petitions are granted liberty to file their separate fresh representations/ objections before the respondent District Land Acquisition Officer, Patna in the aforesaid pending land acquisition case with a certified copy of the present order within a period of one month from today.

If such fresh representations/ objections are filed on behalf of the petitioners separately, then the respondent District Land Acquisition Officer, Patna, or the authorized Collector under the Act, before preparation of final award with respect to the lands in question shall be obliged to hear the petitioners as also the other persons, who have been paid 80% amount of compensation, and only after hearing the petitioners and other interested persons as also on examination/ consideration of all relevant documents produced by them, the final award shall be prepared strictly in accordance with law and amount of compensation shall be paid to the rightful owners of the lands in question.

It goes without saying that if the claims of the petitioners are accepted with respect to the lands in question, then consequential benefits shall also be given to them without any unnecessary delay.

All the writ petitions stand finally disposed of with the observations and directions made above.

BTiwary/-

(Birendra Prasad Verma, J)

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

