

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1261 of 2013
IN
Civil Writ Jurisdiction Case No. 1083 of 2013**

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1. Ashutosh Kumar Chaudhary Son Of Shri Nirmal Kumar Chaudhary Resident Of Village Nehra At Present Residing At Hatikothi, Police Station Biraul, District-Darbhangha

2. Ashis Kumar Chaudhary Son Of Shri Nirmal Kumar Chaudhary Resident Of Village Nehra At Present Residing At Hatikothi, Police Station Biraul, District-Darbhangha

.... Appellant/s

Versus

1. The State Of Bihar, Through Secretary Land Revenue Department, Govt. Of Bihar, Patna

2. The Commissioner, Darbhanga

3. The Collector, Darbhanga

4. The District Land Acquisition Officer, Darbhanga

5. The Executive Engineer, Building And Construction Division, Darbhanga

6. The S.D.O. Biraul, Sub Division, District- Darbhanga

7. The Circle Officer, Biraul Block, District- Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-02-2017

Heard counsel for the appellant.

Since in an identical issue, the Division Bench in L. P.

A. No. 219 of 2014, decided on 21.06.2016, has held in paragraph 8 that:

“8. Consequently, we allow the present Letters Patent Appeal partly and set aside the order of the learned Single Bench whereby the notification under Section 6 of the Act was also quashed. Consequently, the State shall give opportunity of



hearing to the land owners and then publish notification under Section 6 of the Land Acquisition Act, 1894 in accordance with law. Such course is permissible in terms of Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

The present appeal is allowed to the extent of observation and direction, which has been quoted from paragraph 8 of L. P. A. No. 219 of 2014 to be applicable in the case of the appellants as well.

The order of the Learned Single Judge otherwise not required to be interfered with.

The appeal stands allowed to the extent as above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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