

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.375 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 14421 of 2013**

=====

Shailendra Kumar S/o Late Anandi Prasad Choudhary Resident of Village and P.O.
Sahaddulahpur, P.S. Ganga Bridge, District Vaishali.

.... Petitioner / Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The Director, Land Acquisition Department, Government of Bihar, Patna.
6. The Collector, Vaishali.
7. The District Land Acquisition Officer, Vaishali.
8. The District Panchayati Raj Officer, Vaishali.
9. The Sub Divisional Officer, Hazipur, Vaishali.
10. The Deputy Collector, Land Reforms, Hazipur, Vaishali.
11. The Circle Officer, Hazipur Circle, Vaishali.

.... Respondents / Respondents.

=====

Appearance:

For the Appellant/s : Mr. D.K. Sinha, Sr. Advocate and
Mr. Bajarangi Lal, Advocate.

For the State : Mr. Sanjay Prasad, AC to AAG 4.

For the private respondent: Mr. Manoj Kumar and
Mr. Raj Narayan Mishra, Advocates.

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-06-2017

Heard learned Senior Counsel for the appellant, counsel
for the State and the private respondent, who tried to become an
intervenor before the Writ Court.

Writ Application was filed by the appellant when the
land was acquired for constructing an approach road or passage for



Mahadalits. According to the appellant, his four decimals of land was also the subject matter of acquisition but since he has not received the award money so far, therefore, the acquisition is bad in law especially in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The appellant relied on certain decision of the Hon'ble Supreme Court where even deposit of money in the treasury was held to be non-compliance of Section 31 of the Land Acquisition Act.

Though in principal the learned Single Judge did agree with the legal proposition but taking into consideration that the acquisition related to the year 2004, possession was taken by the State and even compensation stood paid to the other citizens whose land was acquired and the road having already been constructed for public purpose, the learned Single Judge refused to set aside or restore the possession of the land in question in favour of the appellant.

If other people, whose land was acquired on the basis of the acquisition proceedings under the previous Act had received the compensation but appellant despite service of notice under Sections 4 and 6 abstained to participate in the process and proceedings then he is the lone ranger who is trying to gain advantage of his own conduct. In such a transaction larger public good weighed with the learned



Single Judge in not allowing the relief which the appellant was looking for.

This Court is also of the opinion that keeping in view that there could be some element of mischief on the part of the appellant in not receiving the award and the object and purpose for acquisition having been fulfilled 10 years ago, the facts being such we are not inclined to interfere with the order.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.07.2017
Transmission Date	N/A

