

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.246 of 2015
IN
Civil Writ Jurisdiction Case No. 3649 of 2013**

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1. Md. Kamarul @ Kamrul Hoda S/o Late Md. Ismail Resident of Village Chhachhua Tola, Bahram, P.O. Bhatraghat, P.S. Bisfi, Block Bisfi, District Darbhanga.

2. Md. Khalil S/o Late Md. Azhar Resident of Village Chhachhua Tola Bahram, P.O. Bhatraghazt, P.S. Bisfi, Block Bisfi, District Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar through the Collector, Darbhanga.

2. The Chief Engineer, Water Resources Development Department, Darbhanga.

3. The Additional Collector, Darbhanga.

4. The Additional Collector, Madhubani.

5. The Executive Engineer Western Koshi Nahar Division, Kewati, District Darbhanga.

6. The Special Land Acquisition Officer, Koshi Project, Darbhanga, District Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Ankit Katriar, Advocate
Mr. Ratanakar Jha, Advocate

For the Respondent/s : Mr. H.S.Roy, AC to PAAG 1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-06-2017

Head counsel for the appellant and counsel for the State.

We have perused the impugned order dated 28.08.2014 passed by the learned Single Judge in CWJC No.3649 of 2013. We refuse to pass any order in favour of the appellants in relation to a land acquisition proceeding, which had already lapsed. Whatever may have transpired in the earlier round of acquisition, which did not materialize, has no relevance and therefore, the learned Single Judge



committed no error by refusing to bite the argument that the learned Additional Collector had no authority or business to undo his previous decision on the objection raised by the appellants.

Admitted position is that a fresh acquisition proceeding has been initiated. Due process has been followed and these appellants will have to file their objection afresh though they may try to derive some benefit with regard to the observation made earlier provided it has any significance or relevance as of now.

There is no merit in the appeal since the learned Single Judge in the above facts has committed no error. The appeal is, therefore, dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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