

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.379 of 2016

IN

LPA 1452 of 2010

- =====
1. The State of Bihar through Secretary Land Reforms and Revenue, Patna, Old Secretariat Building, Harding Road, Patna.
 2. The Collector, Katihar.
 3. The Additional Collector, Katihar.
 4. The Sub-Divisional Officer, Katihar.
 5. The Land Reforms Deputy Collector, Katihar.
 6. The Anchal Adhikari Dandkhora, Katihar.
 7. The Superintendent of Police, Katihar.
 8. The Officer, Incharge Dandkhora, P.S.- Katihar, District- Katihar.

.... Petitioners

Versus

Shobha Kant Jha Son of Late Kalikant Jha, Resident of Village- Dwasai, P.S.- Dandkhora, District- Katihar.

.... Respondent

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Appearance :

For the Petitioner : Mr. Anuj Kumar, A.C. to G.P.24

For the Respondent : 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: 13-02-2017

Having heard counsel for the State and having gone through the limitation petition, which is I.A. No.765 of 2017 and even though the Court was not satisfied with the reasons indicated for delay of 1 year and 23 days in filing the review but to test the bona fide and the correctness of the decision of the learned Division Bench this Court is inclined to condone the delay. I.A. No.765 of 2017 is allowed. Matter is taken up on merits thereafter.

2. Against the decision of the learned Single Judge who



imposed a cost of Rs.1,00,000/- on the State for payment to the petitioner of the writ application who was dispossessed of 18.20 acres of land in a ceiling case for more than 20 years unjustifiably was the reason for such imposition.

3. Against the said order dated 16.07.2010 of the learned Single Judge, L.P.A. No.1452 of 2010 was filed. The order of the learned Single Judge was challenged limited to the imposition of cost not with regard to the other finding, which led to imposition of cost.

4. In view of the same, the Division Bench came to an opinion that this was a fit case where cost should have been imposed upon the State. An innocent citizen was a victim at the hands of the State so the learned Single Judge stood up in support of a helpless victim.

5. The Division Bench, therefore, dismissed the appeal and review application has been filed.

6. From a perusal of all the orders including the review application, it is evident that the whole effort on the part of the State is to shake off the liability of cost of Rs.1,00,000/- and there is nothing substantial being offered as explanation as to the findings, which led to imposition of cost.

7. This Court is of the opinion that a sum of Rs.1,00,000/- as cost for depriving a citizen of his land measuring



18.20 acres for a period of 20 years is only a notional compensation is on the lower side. In fact the cost should be enhanced suitably. However, on the earnest plea made by the State counsel, the Court refrains from enhancing the cost but refuses to interfere in the review application as no ground is made out for such review.

8. Review application stands dismissed. The order of the learned Single Judge and Division Bench must be implemented forthwith as enough time has been lost in frivolous litigation.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

