

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.697 of 2016

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The Union of India through the Director General, Border Security Forces (Ministry of Home Affairs, Government of India), New Delhi - 62 represented through Ajit Kumar Tete, Deputy Inspector General (Adm) Training Centre & School, BSF, Hazaribagh.

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Magadh Division, Gaya, Bihar.
3. The District Collector, Gaya, Bihar.
4. The District Land Acquisition Officer, Gaya, Bihar.
5. The District Sub - Registrar, Gaya, Bihar.
6. Sri Parmanand Prasad Singh, S/o Late Ganpat Prasad Singh, R/o Village - Surhari, P.S. - Mofassil, District - Gaya & Presently resident of L/93 Housing Board Colony, Anugrahpuri, P.S. - Rampur, District - Gaya.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Anshay Bahadur Mathur, C.G.C.
For the State : Mr. Prabhakar Jha, GP-27
Mr. S.K. Thakur, AC to GP-27

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Delay in filing of the appeal is condoned and I.A.

No.3716 of 2016 disposed.

This appeal has been filed by the Union of India under Clause 10 of the Letters Patent challenging an award made to the land oustee under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In the matter of payment of compensation for the acquisition proceedings in question, the learned Writ Court has taken note of the provisions of Section 24 of the Right to Fair Compensation



and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The law laid down by the Supreme Court in the case of *Pune Municipal Corporation vs. Harakchand Misirimal Solanki reported in (2014)3 SCC 183* and allowed the writ petition. The law laid down by the Supreme Court in the case of *Pune Municipal Corporation vs. Harakchand Misirimal Solanki (supra)* has been consistently followed and approved in the following subsequent decisions of the Supreme Court also in the case of *Velaxan Kumar vs. Union of India & others [(2015)4 SCC 325]* and *Rajiv Chowdhrie Huf vs. Union of India & others [(2015)3 SCC 541]* and once the writ petition has been decided in accordance to the right accruing to the petitioner under Section 24 of the Act and the law laid down by the Supreme Court in the aforesaid cases, we see no reason to make any indulgence into the matter as the learned Writ Court has not committed any error in allowing the writ petition on such consideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.05.2017
Transmission Date	

