

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1163 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 20213 of 2013

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1. Parshuram Singh son of Late Baldeo Singh
2. Shailesh Kumar son of Late Kamla Yadav
3. Rakesh Kumar son of Late Siyaram Yadav
4. Mahesh Mistri son Late Pyare Mistry,
5. Dilip Kumar son of Late Sudeshwar Yadav
6. Kanti Devi Wife of Late Dayanand Yadav
7. Nandu Mistry son of Late Mosafir Mistri
8. Suraj Kumar son Late Chandrika Yadav
9. Jagdish Yadav son of Late Keshwar Yadav
10. Shekha Yadav Son of Late Vishnu Dayal Yadav.
11. Vikrama Yadav Son of Lurak Yadav
12. Chandradeo Yadav son of Late Kishun Yadav
13. Uma Devi Wife of Arjun Mistri
14. Lakhichand Yadav Son of Late Bhagwan Yadav.
15. Sakhichand Yadav Son of Late Bhagwan Yadav.
16. Sakaldeep Mistri Son of Late Rangu Mistri.
17. Sewkhi Mistri son of Late Munshi Mistri.
18. Gyani Prasad son of Late Daljit Yadav
19. Moti Yadav son of Late Sudu Yadav
20. Suresh Yadav son of Late Ramashish Yadav.
21. Chandri Devi wife of Nawal Yadav and daughter of Sublal Yadav
22. Heera Lal Sharma, son of Late Sukhdeo Singh,

All appellant no. 1 to 22 are resident of Village- Lodipur, P.O. and P.S. Naubatpur, District- Patna.

.... Petitioners - Appellants

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna.
3. The Collector, Patna.
4. The Additional Collector (Revenue), Patna.
5. The District Land Acquisition Officer, Patna.
6. The Additional District Land Acquisition Officer, Patna.
7. The Land Reforms Deputy Collector, Danapur, Patna.
8. The Sub-Divisional Officer, Danapur, Patna.
9. The Circle Officer, Naubatpur, Patna.
10. The Managing Director, Bihar State Road Development Corporation Ltd, Road Construction Department Mechanical Work Shop Campus, near airport, Sheikhpura, Patna.
11. Kameshwar Prasad Sharma son of Late Bachchu Singh
12. Shiv Nath Prasad Verma son of Late Yugal Verma
13. Shiv Kumar Verma son of Late Monki Mahto
14. Raj Ballabh Yadav son of Late Ram Ishwar Yadav

All respondents no. 11 to 15 are resident of Village Lodipur, P.O. & P.S. Naubatpur, Dist. Patna.

..... Respondents Respondents.

.... Respondent/s

with



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Letters Patent Appeal No. 1205 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12541 of 2013
With
Inte rlocutory Application No. 8577 of 2017

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1. Sudhir Kumar son of Late Triveni Prasad Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
2. Ravindra Kumar Sharma son of Late Suryadeo Singh Resident of Village - Jamalpur Dih, PO - Jamalpur, PS - Jamalpur, District - Munger.
3. Raj Kumar Chaudhary son of Late Shital Chaudhary resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
4. Mostt. Sheo Dulari Devi wife of Late Parshuram Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
5. Mostt. Lakhrani Devi wife of Late Nawal Kishore Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
6. Uday Sharma son of Late Ram Ekbal Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
7. Jitendra Narayan Singh son of Late Sheodhar Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
8. Surendra Sharma son of Late Rajeshwar Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
9. Jay Prakash Thakur son of Late Bhagwan Thakur resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
10. Shatrughan Singh son of Late Mahendra Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
11. Sitamarhi Devi wife of Late Ram Naresh Singh son of Late Mahendra Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
12. Umesh Sharma son of Late Ram Adhar Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
13. Devendra Sharma son of Late Ram Adhar Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
14. Madan Sharma son of Shri Ram Pravesh Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
15. Kishun Deo Sharma son of Late Dasa Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
16. Siyaram Singh son of Late Ram Chalitar Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
17. Mahesh Kumar son of Late Suresh Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
18. Sheopujan Rai son of Late Ramdas Rai resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
19. Sheodhyan Singh son of Late Gain Singh resident of Village - Jamalpura, P.O. Korawan, P.S. Naubatpur, District - Patna.
20. Shyam Sundar Upadhyay son of Late Paras Upadhyay Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
21. Yogendra Upadhyay son of Late Ramdas Upadhyay Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
22. Ram Ekbal Tiwary son of Late Ramsubhag Tiwary Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
23. Deo Prasad Upadhyay son of Late Daroga Upadhyay Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
24. Mostt. Anupa Devi wife of Late Medanee Singh resident of Village -



Jamalपुरa, P.O. Korawan, P.S. Naubatpur, District - Patna. (Since dead)
(Respondent no. 24 since dead, substituted by following appellant no. 24(i) vide order dated 06.12.2017 passed in I.A. No. 8577/2017)

24(i) Akhilesh Kumar Sharma, son of Late Medanee Singh resident of Village - Jamalपुरa, P.O. Korawan, P.S. Naubatpur, District - Patna.

25. Mithila Sharma son of Late Ram Adhar resident of Village - Jamalपुरa, P.O. Korawan, P.S. Naubatpur, District - Patna.

.... Petitioners Appellants

Versus

1. The State of Bihar through the Collector, Patna.
2. The Collector, Patna.
3. Land Acquisition Officer, Patna.
4. Additional Collector (Revenue), Patna.
5. Sub-Divisional Officer, Danapur, Patna.
6. Land Reforms Deputy Collector, Danapur, Patna.
7. Anchal Adhikari, Naubatpur, Patna. Respondents Respondents
8. Shobhnath Sharma son of Shri Jaynandan Sharma resident of Village - Raoniya, P.O.- Korawan, P.S. Naubatpur, District - Patna
9. Sachindra Sharma son of Late Rajeshwar Singh resident of Village - Jamalपुरa, P.O. Korawan, P.S. Naubatpur, District - Patna.
10. Laxman Rai son of Late Radhe Rai resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
11. Nira Devi wife of Bashishtha Munee Rai resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
12. Hiriya Devi wife of Satyanarayan Rai resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
13. Brij Nandan Rai son of Late Rajendra Rai resident of Village - Dariyapur, P.O. - Korawan, P.S. Naubatpur, District Patna.
14. Upendra Kumar Upadhyay son of Late Ram Ratan Upadhyay Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
15. Kaushal Kishore Upadhyay son of Late Rajeshwar Upadhyay Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
16. Arun Upadhyay son of Late Lalan Upadhyay Resident of Village - Dawarchak, P.O. Sengar Tola, P.S. Rivilganj, District - Saran, Chapra.
17. Ramakant Tiwary son of Late Ramsubhag Tiwary Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.
18. Ramasheesh Tiwary son of Late Ramsubhag Tiwary Resident of Village - Dawarchak Dariyapur, P.O.Korawan, P.S. Naubatpur, District - Patna.

.... Petitioners Respondents

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Appearance:

(In LPA No.1163 of 2016 & 1205 of 2016)

For the Appellant/s : Mr. Shailesh Kumar, Advocate.

For the Respondent/s : Mr. Sunil Kumar Mandal, SC 3,
Mr. Manish Dhari singh, AC to AG
Mr. Arjun Prasad, AC to SC 3 and
Ms. Neelam Kumari, ACto SC 3.

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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: 06-12-2017



I.A. No. 8577 of 2017 in L.P.A. No. 1205 of 2016.

Interlocutory Application No. 8577 of 2017 has been filed for substitution of appellant no. 24 Mostt. Anupa Devi, who is said to have died during the pendency of the appeal on 31.08.2017, leaving behind her sons, namely, Ramesh Kumar Sharma and Akhilesh Kumar Sharma.

It is stated that since the elder son of the deceased appellant no. 24, namely, Ramesh Kumar Sharma is not interested to be substituted in place of the deceased appellant no. 24, the younger son of the deceased appellant no. 24, namely, Akhilesh Kumar Sharma may be permitted to be substituted as heir and legal representative of the deceased appellant no. 24.

Considering the facts stated in the Interlocutory Application, let the deceased appellant no. 24 be substituted by her younger son, namely, Akhilesh Kumar Sharma.

The Interlocutory Application stands disposed of.

L.P.A. No. 1163 of 2016 and L.P.A. No. 1205 of 2016.

Heard learned counsel for the appellants.

Whatever may have transpired or had been observed by different benches or learned single Judge before remitting the matter to the tribunal may not be of much significance when it comes down to the question of assailing the final order dated 01.04.2016 passed by



the learned single Judge. The learned single Judge disposed off the Writ Petition primarily holding that the question of higher valuation or entitlement, etc. as compensation for the acquired land can be looked into under the substantive provision of the Land Acquisition Act, especially Section 18. The Original Act of 1984 now stands repealed and a new law is already in force. There are similar provisions and forums provided for any objection regarding calculation or valuation as to the quantum of compensation.

Merely because there are evidence on record, it does not mean that we will convert ourselves into a super tribunal and start adjudicating the valuation of compensation to be granted in a land acquisition proceeding.

The Court has committed no error by referring the petitioners before the concerned competent authority under the Act, for raising their grievance. Whatever evidence or material the appellants would like to use, which may have come during the proceeding before the Writ Court, can be used before that forum as well.

Both the Appeals stand disposed off.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.12.2017
Transmission Date	N/A

