

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.163 of 1993

- =====
1. Jyoti Sinha, daughter of Shyamendra Kumar Sinha,
 2. Bikram Sinha,
 3. Manish Sinha,

Both sons of Shyamendra Kumar Sinha, All minors, under the guardianship of their natural guardian, the mother, Smt. Manju Sinha, All residents of Mohalla Road No. 5, Rajendra Nagar, Patna – 16, P.S. Kadamkuan, District Patna

.... Petitioner/s

Versus

1. The State of Bihar,
2. Director, Land Acquisition –cum- Addl. Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna,
3. The Collector, Patna,
4. The Land Acquisition Officer, Patna,
5. Special Secretary, Department of Transport, Govt. of Bihar, Patna,
6. Union of India through Secretary, Dept. of Home, Govt. of India, New Delhi

.... Respondent/s

With

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Miscellaneous Jurisdiction Case No. 844 of 2003

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1. Jyoti Sinha, daughter of Shyamendra Kumar Sinha,
2. Bikram Sinha,
3. Manish Sinha,

Both sons of Shyamendra Kumar Sinha, (Earlier minors, under the guardianship of their natural guardian, the mother, Smt. Manju Sinha, now became major).

All residents of Mohalla Road No. 5, Rajendra Nagar, Patna – 16, P.S. Kadamkuan, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Chaitanya Prasad, Vice Chairman, Patna Regional Development Authority, Patna,
3. K.K. Mahto, Director, Land Acquisition-cum- Addl. Secretary, Deptt. of Revenue, Bihar, Patna,
4. Deepak Prasad, the Collector, Patna,
5. Md. Naushad Yusuf, Land Acquisition Officer, Patna,



6. N.K. Singh, I.A.S. Special Secretary, Deptt. of Transport, Bihar, Patna.

.... Respondent/s

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Appearance:

(In CWJC No.163 of 1993)

For the Petitioner/s : Mr. (Advocate)

For the Respondent/s : Mr. Rohitabh Das, AC to AAG 10.

(In MJC No.844 of 2003)

For the Petitioner/s : Mr. (Advocate)

For the Respondent(State): Mr. D.K. Prasad, G.P. 14.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-03-2018

Re. C.W.J.C. No. 163 of 1993.

This petition was filed in the year 1993 and the prayer made in the Writ Petition was to quash the notification issued on 06.04.1985 U/S 4, 6 & 17(4) of the Land Acquisition Act, 1984 for acquiring the land which included the land of the petitioner for establishment of a township known as 'Pariwahan Nagar'. The said notification was issued in the District Gazette on 06.04.1985 and on various grounds the said notification has been challenged in this Writ Petition.

On 29.03.1993 while admitting the Writ Petition, a co-ordinate Division Bench of this Court had directed for maintenance of status quo. Now, from the material that has come on record, particularly the averments contained in Interlocutory Application (I.A. No. 7162/2010), we find that after challenging the said notification as



is challenged in this Writ Petition, seven other Writ Petitions were also filed being CWJC Nos. 2008/1985, 2306/1985, 2408/1985, 3676/1985, 5016/1985, 13/1986 & 125/1986 and a Division Bench of this Court vide order dated 22.01.1991 had quashed the impugned notification on various grounds as is evident from the document filed as Annexure-7 to the aforesaid Writ Petitions. Thereafter, Patna Regional Development Authority filed Civil Review No. 21/91 for modification of the order passed on 22.01.1991 and the order was modified on 13.09.1991 vide Annexure - 8 to the aforesaid Writ Petitions.

Thereafter, one Dharmendra Kumar Verma and others filed CWJC No. 5567/95 for release of their land from acquisition, based on the proceedings which culminated in passing of the judgment dated 22.01.1991, a bench of this Court on 04.08.1999 allowed the said Writ Petition of Dharmendra Kumar Verma and others and directed for release of their land. As the order was not complied with, the matter came in MJC No. 740/1999, initiated at the instance of Dharmendra Kumar Verma and others, and we are informed that the P.R.D.A. through its Vice Chairman filed CWJC No. 7123/1997 for recall of the order passed on 22.01.1991 in the case. The Writ Petition was thereafter withdrawn and it is indicated that after withdrawal of the writ petition, benefits have been granted to



the petitioners, in whose cases the aforesaid orders were passed, and they have been granted alternative land in the locality for construction of the house.

Now, the petitioner claims that like the seven writ petitioners in the Writ Petitions, who have been granted the benefits, the petitioner is also entitled for the benefit as the petitioner's land has also been acquired and the notification acquiring the same has been quashed in the Writ Petition as indicated here-in-above.

Taking note of the aforesaid contention of the petitioner, we direct that the respondents shall examine the case of the petitioner in the light of the order passed in the seven writ petitions as indicated hereinabove and in MJC no. 740/1999, if required, after hearing the petitioner, and shall grant similar benefits to the petitioner as have been granted to the other similarly situated persons as indicated hereinabove and pass an appropriate order within a period of sixty (60) days from receipt of a copy of this order.

Needless to emphasize that if the petitioner is found to be identically situated, similar benefits be extended to the petitioner and hence it shall be incumbent upon the respondents to pass a speaking order after hearing the petitioner.

With the aforesaid, the Writ Petition stands allowed and disposed of.



Re. M.J.C. No. 844 of 2003.

In view of the order passed in CWJC No 163/1993, we are
not proceeding with the MJC No. 844/2003.

The same stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.03.2018
Transmission Date	N/A

