

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5357 of 2017

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1. Panchanan Sharma, Son of Late Krishna Kumar Singh
 2. Dr. Satish Kumar
 3. Sudhir Kumar
 4. Dr. Praveen Kumar,
Petitioner nos. 2 to 4 sons of Sri Panchanan Sharma (Petitioner no.1)
 5. Dr. Ravi Ranjan
 6. Dr. Shashi Ranjan, Petitioner nos. 5 and 6 sons of Late Sri Kamlanan Sharma,
Raiyats/Residents of Village - Amhara, P.O. & P.S.- Bihta, District - Patna.
.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Chief Secretary, Government of Bihar, Patna.
 3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 4. The Collector, Patna.
 5. The District Land Acquisition Officer, Patna.
 6. The Bihar Industrial Area Development authority through its Managing Director having its office at Udyog Bhawan, East of Gandhi Maidan, Patna
 7. The Indian Institute of Technology, Bihta, District- Patna
.... Respondents
- =====

Appearance :

For the Petitioners	: Mr. Kamal Nayan Choubey, Sr. Advocate Mr. Sanjay Kumar Pandey, Advocate Mr. Jitendra Kishore Verma, Advocate
For the Res. No. 6	: Mr. Shashi Shekhar Dvivedi, Sr. Advocate Mr. Parth Gaurav, Advocate
For the State	: Mr. Raj Kishore Roy-GP18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-09-2018

Heard learned counsel for the parties.

2. This writ application is, under Article 226 of the Constitution of India, for issuance of a command upon the respondents to discharge their constitutional and statutory obligation to acquire Plot No. 1120 under Khata No. 240, Area 0.09 Acre in village Amhara, Police Station Bihta, District Patna and grant fair



compensation.

3. A brief background of this matter is that the State-respondents, especially, respondent no. 5-the District Land Acquisition Officer, Patna acquired certain land for public purpose, on the requisition of the User in the year 2007. In the year 2010, possession of the aforesaid plot was handed over along with some other acquired plots to the Science and Technology Department, Patna vide letter dated 28.05.2010 annexed with the supplementary affidavit. Thereafter a dispute arose as to whether Plot No. 1120 was a government land or raiyati land of the petitioners. The matter was finally settled that the land was raiyati land of the petitioners. This fact has not been disputed by the respondents and the same is substantiated by the material on the record.

4. After verification of the aforesaid facts, respondent no. 5 wrote a letter dated 31.12.2016, vide Annexure-B to the counter affidavit filed on behalf of respondent no. 4 and 5, wherein it is clearly stated that Plot No. 1120 is raiyati land of the petitioners and for acquisition of the same necessary step be taken under the Bihar Land Lease Policy, 2014 or for acquisition of the same under 2013 Act which had already come into force on the date of the aforesaid letter. Thereafter, the respondents have taken no steps in this regard.

5. Submission of the learned counsel for the



petitioners is that the petitioners are not ready to give those lands on lease. Hence, there is no question of taking possession of the referred land on lease by the respondents. Therefore, only option left to the respondents is acquisition of the said plot under the New Act of 2013 and grant of appropriate compensation because possession of the same cannot be reverted back to the petitioners as the same has been used for making construction thereon by the User for whose purpose land was acquired i.e. Indian Institute of Technology, Bihta.

6. Considering the aforesaid undisputed factual position, the respondents are directed to initiate the acquisition proceeding in respect of the aforesaid land under the New Act and decide the appropriate compensation as per the law and ensure payment of the same to the petitioners within six months along with the admissible interest from the date of possession.

7. With the aforesaid direction and observation, this writ application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.09.2018
Transmission Date	N.A.

