

N THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19426 of 2014

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1. Md. Kashim son of Late Abdul Rashid resident of village Sikandarpur, P.S. Sadar, District Purnea.
 2. Md. Gyasuddin son of Late Md. Faijuddin of village Shisabari, P.S. Kasba, District Purnea.
 3. Md. Najrul Islam son of Late Faijuddin of village Shishabari, P.S. Kasba, District Purnea.
 4. Nayeemudin son of Md. Idris of village Bhamra Sikandarpur, P.S. Sadar, District Purnea.
 5. Sk. Nestaque Ali son of Late Umar Ali of village Shishabari, P.S. Kasba, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Deputy Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Purnia Division, Purnia.
3. The Collector, Purnia.
4. The District Land Acquisition Officer, Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Respondent/s : Mr. UMA SHANKAR, GP-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-02-2018

Heard learned counsel for the petitioners and learned counsel for the State.

In the present writ petition, petitioners are challenging the acquisition of the land which has been acquired for the purposes of construction of SSB Sector Headquarter and Hospital.

Basically objection has been raised by the petitioners that it is irrigated multi crop land, the Government land is available but instead of acquiring the present land of the petitioners they may establish the Headquarter and Hospital at the Government land. It is not in dispute that the land which is subject matter of



the acquisition is standing not very far of border area and it will not be prudent for the Court to form different opinion and direct the authority to construct Headquarter at different place as this Court does not have expertise to select the best place for construction of Headquarter and Hospital. They are best suitable persons to select the best place for Headquarter and Hospital.

So this Court is of the view that when question comes for acquisition of the land for the purposes of the construction of Headquarter of military and para military force then Section 10 of the Land Acquisition Act cannot be pressed in service as rider sub-section 1 of Section 10 itself provides that normally irrigated multi crop land should not be acquired but it can be acquired as last resort.

So far establishment of Headquarter is concerned it cannot be directed by the Court that such and such place is not proper for the construction of the military and para military headquarter but other place will be better for construction. They are the best persons to select the land for the construction of the Headquarter and this Court is not required to interfere with the acquisition of the land for construction of SSB Section Headquarter and Hospital but certainly the petitioners are entitled for compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013.

In paragraph 9 of the counter affidavit it has been stated that final award has been prepared on 18.4.2015 and three Raiyats have already received the compensation amount which has not been denied by the petitioners but verbally suggests that they have not received any notice.

Be that as it may, if the petitioners approaches to the Land Acquisition Officer, Purnia where the amount of compensation is lying he will be obliged to show the quantum of compensation and petitioners will be at liberty to receive the amount of compensation. If petitioners have any grievance they may raise objection which will be referred by the Collector, Purnia before the competent authority either enhancement of compensation or any dispute with regard to quantum of the land. The payment will be made along with interest in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.2.2018
Transmission Date	NA

