

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1498 of 2017

In

Civil Writ Jurisdiction Case No.6979 of 2017

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1. Justice Binod Kumar Roy (Retd.), son of Late Sri Kailash Roy.
 2. Shanti Rani, W/o Justice Mr. Binod Kumar Roy (Retd.)
 3. Amitabh Kumar Roy, son of Mr. Justice Binod Kumar Roy (Retd.) All residents of "Kailash Ashram", Kailash Roy Street off Ram Krishna Avenue, P.O./P.S./Mohalla- Kadamkuan, Town and District- Patna, Pin code- 800003

... .. Appellant/s

Versus

1. A- Haque Nawab Akram, (father)
1. B- Prof. Nargis Khatoon @ Nazim Shakeel @ Hajra Shakin, wife of Haque Nawab Akram (Mother)
1. C- Roshda Sharmati Khatoon, widow of late Tauqueer Akram, All residents of Mohalla- Raja Bazar, Vill- Shamanpura/Rukanpura, P.O.- Bihar Veterinary College, P.S.- Shastri Nagar, Town & Dist.- Patna
2. The State of Bihar through the Principle Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna-800015.
3. The Principal Secretary, Water Resources Department, Bihar, Patna-800015
4. The Director, Land Acquisition & Rehabilitation, Department of Water Resources, Bihar, Patna-800015.
5. The Presiding Officer cum Land Acquisition, Rehabilitation and Resettlement Authority, Baldeo Bhawan, Patna.
6. The Collector, District- Buxar.
7. The Executive Engineer, Flood Control Division, Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacaknavi, Advocate
For the Respondent/s	:	Mr. Md.Khurshid Alam -AAG 12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-07-2018

Having heard learned counsel for the parties, we are of
the considered view that as the appellant herein was a necessary



party in whose favour the order passed was on 01.08.2016 by the Presiding Officer-cum-Land Acquisition Rehabilitation and Resettlement Authority and the same been interfered with without hearing him and in violation to the High Court Rules as laid down by the Division Bench of this Court in the Case of Awadh Bihari Rai Vs. The State of Bihar & Ors., reported in 2013 (3) PLJR 506, we allow this appeal in part, quash the order passed by the learned writ court, restore the writ petition to its original file and remand the matter for reconsideration after hearing the petitioner.

However, till the matter is not heard, no recovery shall be done from the original petitioner or his legal heirs.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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