

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1101 of 2018

In
Civil Writ Jurisdiction Case No.14519 of 2012

=====

The Union of India, Ministry of Defence Government of India, through the Defence Estate Officer, having its office at Danapur, P.O. & P.S. Town Danapur, District- Patna through Vishwas Sohal, Son of Sri Amar Chand Sohal Resident of House No. 612, Sector - 12, Panchkula, Sector - 4, Haryana - 134112, presently residing at CEO's Residence, Danapur Cantonment, P.S. Danapur, District Patna.

... .. Appellant/s

Versus

1. Chhotan Yadav son of Kishun Yadav resident of Village Aliganj Farm, Nagadih, P.S. No. 457, Village Pharphar, P.O. Sithaura, P.S. Rajgir, District Nalanda.
2. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna
3. The Collector, Nalanda at Biharsharif.
4. The District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

with

Letters Patent Appeal No. 1102 of 2018
In
Civil Writ Jurisdiction Case No.14503 of 2012

=====

The Union of India, Ministry of Defence Government of India, through the Defence Estate Officer, having its office at Danapur, P.O. & P.S. Town Danapur, District- Patna through Vishwas Sohal, Son of Sri Amar Chand Sohal Resident of House No. 612, Sector - 12, Panchkula, Sector - 4, Haryana - 134112, presently residing at CEO's Residence, Danapur Cantonment, P.S. Danapur, District Patna.

... .. Appellant/s

Versus

1. Ram Prasad Yadav
2. Sahdeo Yadav
3. Binda Yadav
4. Rajendra Yadav All sons of Late Bhagiya Devi and Late Gokhul Yadav All residents of Mauza Nagadih, Aliganj Farm, P.S. No 457, Village - Pharphar, P.O. Sithauna, P.S. Rajgir, District Nalanda.
5. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna
6. The Collector, Nalanda at Biharsharif.
7. The District Land Acquisition Officer, Nalanda at Biharsharif.



... .. Respondent/s

with
Letters Patent Appeal No. 1103 of 2018
In
Civil Writ Jurisdiction Case No.20618 of 2012

The Union of India, Ministry of Defence Government of India, through the Defence Estate Officer, having its office at Danapur, P.O. & P.S. Town Danapur, District- Patna through Vishwas Sohal, Son of Sri Amar Chand Sohal Resident of House No. 612, Sector - 12, Panchkula, Sector - 4, Haryana - 134112, presently residing at CEO's Residence, Danapur Cantonment, P.S. Danapur, District Patna.

... .. Appellant/s

Versus

1. Saro Devi W/o Late Baleshwar Yadav resident of Mauza Nagadih Aliganj Farm, Thana No. 457, Village - Farpar, P.O. - Sithaura, P.S. - Rajgir, District - Nalanda.
2. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna
3. The Collector, Nalanda at Biharsharif.
4. The District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

with
Letters Patent Appeal No. 1104 of 2018
In
Civil Writ Jurisdiction Case No.16501 of 2013

The Union of India, Ministry of Defence Government of India, through the Defence Estate Officer, having its office at Danapur, P.O. & P.S. Town Danapur, District- Patna through Vishwas Sohal, Son of Sri Amar Chand Sohal Resident of House No. 612, Sector - 12, Panchkula, Sector - 4, Haryana - 134112, presently residing at CEO's Residence, Danapur Cantonment, P.S. Danapur, District Patna.

... .. Appellant/s

Versus

1. Viresh Yadav
2. Sudhir Yadav
3. Kailash Yadav
4. Prakash Yadav All sons of Surju Yadav all residents of Mauza – Nagdish Aliganj Farm, Thana No. 457, Village - Farpar, P.O., P.S. - Rajgir, District Nalanda.
5. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna



6. The Collector, Nalanda at Biharsharif.
7. The District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

=====

with
Letters Patent Appeal No. 1207 of 2018
In
Civil Writ Jurisdiction Case No.23076 of 2012

=====

The Union of India, Ministry of Defence Government of India, through the Defence Estate Officer, having its office at Danapur, P.O. & P.S. Town Danapur, District- Patna through Vishwas Sohal, Son of Sri Amar Chand Sohal Resident of House No. 612, Sector - 12, Panchkula, Sector - 4, Haryana - 134112, presently residing at CEO's Residence, Danapur Cantonment, P.S. Danapur, District Patna.

... .. Appellant/s

Versus

1. Chinta Devi Wife of Late Prakash Rajbanshi Resident of Village Pawadih, Tola Dhamar, P.S. Rajgir, District Nalanda.
2. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna
3. The Collector, Nalanda at Biharsharif.
4. The District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. S.D. Sanjay, Addl. S.G. Mr. R.R. Tiwari, Advocate Ms. Priya Gupta, Advocate Mr. Mohit Agarwal, Advocate Ms. Parul Prasad, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G.
For Private Respondents	:	Mr. Saket Gupta, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-06-2019 Re: I.A. Nos. 5924 of 2018, 5921 of 2018, 5927 of
2018, 5930 of 2018 and 6523 of 2018 in L.P.A. Nos. 1101 of
2018, 1102 of 2018, 1103 of 2018, 1104 of 2018 and 1207 of



2018 respectively.

Heard Shri S.D. Sanjay, learned Additional Solicitor General of India for the Union of India and Shri Saket Gupta for the respondent-petitioners.

We have considered the affidavits filed in support of the delay condonation applications and we find that sufficient cause has been shown to condone the delay in filing the appeals. The delay is condoned and the appeals shall be treated to be within time.

The Interlocutory Applications stand allowed accordingly.

Re: L.P.A. Nos. 1101 of 2018, 1102 of 2018, 1103 of 2018, 1104 of 2018 and 1207 of 2018

Heard Shri S.D. Sanjay, learned Additional Solicitor General of India for the Union of India and Shri Saket Gupta for the respondent-petitioners who has filed a counter affidavit.

Having heard learned counsel for the parties, we see no reason to differ from the view already taken by us in L.P.A. No. 418 of 2018 dated 22.04.2019 as the facts as well as the law in issue are identical in these appeals as well.

Accordingly, the appeals are allowed and the impugned judgment dated 07.05.2014 passed in C.W.J.C. No.



20058 of 2012 and analogous cases is set aside on the same terms as concluded in Paragraph 61 as follows:

“61. We accordingly allow this appeal and set aside the impugned judgment of the learned Single Judge dated 07.05.2014 and uphold the order of the Collector dated 15th July 2015. We also declare all consequential proceedings undertaken by the respondent authorities and Court pursuant to the judgment dated 7.5.2014 to be a nullity”

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

U			
---	--	--	--

