

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1305 of 2018**  
**In**  
**Civil Writ Jurisdiction Case No.19426 of 2014**

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

... .. Appellant/s

Versus

1. The State of Bihar
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 Appellant/s : Mr.Ram Prawesh Kumar  
For the Respondent/s : Mr.Md.Khurshid Alam -Aag12

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      09-12-2019                      I.A. No. 8024 of 2018 has been filed for condoning  
the delay of 178 days in filing the Letters Patent Appeal.

Having considered the ground taken in the  
interlocutory application, the delay in filing the appeal is  
condoned.



I.A. No. 8024 of 2018 is accordingly disposed of.

The appellants, through the instant petition have prayed for the following relief:

“This Letters Patent Appeal has been preferred against the order dated 13.2.2018 passed in C.W.J.C. No. 19426 of 2014 passed by the learned Single Judge whereby the writ petition has been disposed of without granting relief(s) to the appellants in the writ petition ”

Impugned order in toto reads as under:

“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 subsection 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.”

No illegality and infirmity could be pointed out



with regard to acquisition of land.

We find that learned Single Judge to have granted permission to the petitioners to raise all objections before the appropriate authority in accordance with law including on the issue of quantum of compensation.

Accordingly, the appeal stands disposed of.

**(Sanjay Karol, CJ)**

**( Anil Kumar Upadhyay, J)**

Ravi/-

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