

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.852 of 2019

In
Civil Writ Jurisdiction Case No.12446 of 2018

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1. Gauri Shanker Prasad Singh S/o Late Ayodhya Singh Resident of Mohalla-New Area, Nardiganj Road, Nawada, P.s.- Nawada, Town and District- Nawada.
 2. Chinta Devi W/o Sri Bharat Bhushan Resident of Mohalla- New Area, Nardiganj Road, Nawada, P.S.- Nawada, Town and District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Nawada.
3. The District Land Acquisition Officer, Nawada.
4. The Additional District Land Acquisition Officer, Nawada.
5. The Circle Officer, Nawada, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. P.K. Shahi, Sr. Advocate
For the Respondent/s : Mr. Rakesh Ranjan, A.C. to AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-11-2019

Heard Shri P.K. Shahi, learned senior counsel for
the appellants and Shri Rakesh Ranjan for the State.

2. This appeal arises out of an interim direction given by the learned Single Judge for proceeding with the construction of an Industrial Training Unit for imparting training to youths under Kaushal Vikas Mission. The Training-cum-Hostel Building was proposed to be constructed over the land in



question that was acquired way back in the year 1979 for the purpose of establishing the District Industry Centre. However, the said Centre came to be established at a different place and the land was lying vacant. The petition was filed with a clear contention that firstly the change of purpose and its utilization after the enforcement of the 2013 Act could not have been initiated, more so, when there was an additional factor namely deficit in payment of the full compensation for which pleadings were brought on record.

3. It is the contention of the learned counsel for the appellants that the writ prayed for was for a mandamus in which affidavits were exchanged and instead of either allowing or dismissing the writ petition the learned Single Judge proceeded to ensure that the constructions are raised over the land in dispute. It is urged that it is here that the learned Single Judge exceeded in jurisdiction, inasmuch as, the writ petition was for a private cause of action and was not a Public Interest Litigation. Without there being any adjudication on the merits of the case, it is urged that there was no occasion for issuing directions for proceeding with the construction of the Training-cum-Hospital Building over the land in question.

4. Learned counsel for the State submits that



instead of entertaining the appeal and keeping it pending the matter may be disposed of with liberty to the parties to appear before the learned Single Judge for a final disposal.

5. In view of the aforesaid stand taken by the State, and the contentions raised by the learned counsel for the appellants, we provide that the writ petition shall be considered by the learned Single Judge on merits and a decision shall be rendered after hearing the parties concerned, and till the matter is disposed of by the learned Single Judge, *status quo* with regard to the land in dispute as on today shall be maintained.

6. The appeal is accordingly disposed of with the said direction.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

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CAV DATE	
Uploading Date	07.11.2019
Transmission Date	

