

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1615 of 2017

In
Civil Writ Jurisdiction Case No.14060 of 2014

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1. Krishna Kumar Singh Son of Late Sheo Bharat Singh R/o Village Rustamganj, P.S. - Naubatpur, District - Patna.
 2. Shachi Kant Sharma Son of Late Rajendra Prasad Singh resident of Village - Chesi, P.S. - Naubatpur, District - Patna.
 3. Shashi Kant Sharma Son of Late Rajendra Prasad Singh resident of Village - Chesi, P.S. - Naubatpur, District - Patna.
 4. Amar Kumar Singh Son of Late Rajendra Prasad Singh resident of Village - Chesi, P.S. - Naubatpur, District - Patna.
 5. Ajay Kumar Singh son of Late Rajendra Prasad Singh resident of Village - Chesi, P.S. - Naubatpur, District - Patna.
 6. Raghvendra Bhagwan through Sudersan Acharya (Mathadhish) son of Shwami Dharnidharna Acharya Kretpali Asthan, P.S. - Naubatpur, District - Patna.
 7. Baleshwar Sharma Son of Late Ramchandra Singh Village - Pali, P.S. - Naubatpur, District - Patna.
 8. Yagya Nand Sharma Son of Late Ram Pravesh Singh resident of Village - Pali, P.S. - Naubatpur, District - Patna.
 9. Arvind Kumar Sharma Son of Late Rajdeo Singh resident of Village - Pali, P.S. - Naubatpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary Land Acquisition and Land Reforms Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Land Reforms Department, Government of Bihar, Secretariate, Patna
4. The District Magistrate cum Collector, Patna.
5. The Managing Director, Bihar State Road Construction Department, Government of Bihar Mechanical Work Shop Campus, near Airport, Shekhpura, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gopal Govind Mishra, Advocate
For the Respondent/s : Mr. Lalit Kishore, Advocate General

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



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 02-04-2019 This appeal also raises the same issues that have been decided today by us in L.P.A. No. 136 of 2018.

2. Applying the law laid down therein, we find that in the present case the Award was delivered on 30th of May, 2014. Accordingly, the Award in the present case will have to be modified in accordance with the directions given in the judgment in L.P.A. No. 136 of 2018.

3. The impugned judgment has proceeded to consider the claim of the appellants declining to grant relief on the ground that the acquisition cannot lapse in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. To that extent, there may be no dispute, but so far as payment of compensation is concerned, the fact remains that the Award in the present case was delivered on 30th of May, 2014, which is after 01.01.2014. Consequently, even if no fresh acquisition proceedings are required, a modification with regard to the rates payable has to be clearly undergone in the present case as well and we accordingly issue a direction to the Collector, Patna to proceed to initiate proceedings in the light of the observations made by us in the judgment delivered by us today in L.P.A. No.



136 of 2018.

4. We may further clarify that in the present appeal, the Appellant No. 6 has already relinquished his claim and has accepted the compensation, which is evident from Paragraph 5 of the rejoinder affidavit filed on behalf of the appellants.

5. Consequently, this judgment will apply in respect of the appellants except Appellant No. 6.

6. The appeal stands allowed and disposed of accordingly subject to the observations and directions given in L.P.A. No. 136 of 2018.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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