

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1731 of 2017

In

Civil Writ Jurisdiction Case No.14597 of 2012

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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. Rameshwar Yadav
2. Balgovind Yadav,
3. Krishna Yadav,
4. Musafir Yadav,
5. Rambirksh Yadav, All sons of Panna Yadav All Resident of Mouza Nagadih, Thana No. 457, Village- Parpar, Post Sithaura, P.S. Rajgir, District- Nalanda.
6. The State of Bihar through the Commissioner cum Secretary, Department of Land Reforms, Government of Bihar, Patna
7. The Collector, Nalanda at Biharsharif.
8. The District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. S.D. Sanjay, Addl. S.G. Ms. Priya Gupta, Advocate Mr. Anshay Bahadur Mathur, C.G.C. Ms. Parul Prasad, Advocate Mr. Mohit Agarwal, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 26-06-2019

Re: I.A. No. 8979 of 2017

Heard Shri S.D. Sanjay, learned Additional Solicitor

General of India for the Union of India. No one has appeared on



behalf of the respondent-petitioners when the case has been called out.

2. The appeal is reported to be delayed by 3 years, 178 days.

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

4. I.A. No. 8979 of 2017 stands allowed accordingly.

Re: L.P.A. No. 1731 of 2017

We had recorded the issuance of notices to the respondent-petitioners on 16.05.2019 and had also made it clear that no further time shall be granted as this matter stands covered by the judgment delivered by us in L.P.A. No. 418 of 2018 dated 22.04.2019. It is informed by Shri Sanjay that a copy of the appeal was served on the counsel for the respondent-petitioners who had appeared before the learned Single Judge.

Having heard Shri S.D. Sanjay, we find that the matter stands squarely covered by the said judgment.

The appeal is accordingly 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)

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