

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1202 of 2018

In

Civil Writ Jurisdiction Case No.18296 of 2013

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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. Panama Devi, wife of Late Ramswarup Yadav, resident of Mauza Nagadih Aliganj Farm, Thana No. 457, Village - Farpar, P.O., P.S. Rajgir, District - Nalanda.
2. The State of Bihar through the Commissioner cum Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
3. The Collector, Nalanda at Biharsharif.
4. 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. Mrs. Priya Gupta, Advocate Ms. Parul Prasad, Advocate Mr. Mohit Agarwal, Advocate Mr. Anshay Bahadur Mathur, C.G.C.
For the Respondent/s	:	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)

3 26-06-2019

Re: I.A. No. 6507 of 2018

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 4 years, 68 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. 6507 of 2018 stands allowed accordingly.

Re: I.A. No. 6510 of 2018

This substitution application has been filed for substituting the heirs of late Ramswarup Yadav who is the respondent-petitioner in the writ petition and who had died, which fact has now come to the notice of the department. His name has already been substituted in the records of the Land Acquisition Authority.

Accordingly, this application is allowed and the name of the heirs of late Ramswarup Yadav shall be recorded in the cause-title. Let necessary corrections be carried out accordingly.

Re: L.P.A. No. 1202 of 2018

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.

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

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)

P.K.P./-

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