

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.572 of 2019

In

Civil Writ Jurisdiction Case No.1565 of 2017

Umesh Kumar @ Umesh Kumar Singh S/o Late Abhay Nandan Singh @
Abhaynandan Ginh Resident of Village- Jasauli Kharg, Tole- Jurihata, P.O.
and P.S.- Pachrukhi, District- Siwan.

... Petitioner /Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. The District Magistrate Siwan
4. The Superintendent of Police Siwan
5. The Circle Officer Pachrukhi, Siwan
6. The Central Bank of India through its Chairman and Managing Director, Chander Mukhi, Nariman Point, Mumbai-400021
7. The General Manager, Central Bank of India, Patna Zone, B. Block, 2nd Floor, Maurya Lok, Complex, Patna, 800001
8. The Regional Manager, Central Bank of India, Regional Office, Baluatal, Motihari
9. The Chief Manager Central Bank of India, Chapra Branch, Chapra
10. Vinay Kumar Singh, Son of Kashinath Singh, resident of Mohalla- Pakri Bangali, Neelkamal Hospital, P.S. Siwan Muffasil, District, Siwan
11. Dr. Amir Rehan Lari, Son of Md. Rehan Lari, resident of Allena Nursing Home, Mohalla, Sharif Colony, Ismail Shahid Road, P.S. Siwan Mufassil, District, Siwan
12. Sheram Labs, duly represented by its Proprietor Nikhat Perween, wife of Md. Israil, resident of Mohalla- Babunia Road, P.S. Siwan, Mufassi, District, Siwan
13. Arun Kumar Gupta, Son of Rajmanjal Prasad, resident of Village, Langarpura, P.S. Mairwa, District, Siwan

..Respondents/ Respondents

14. Amresh Kumar Singh, son of Sri Shivjee Singh, resident of village Jasauli Kharg, Tole- - Jurihata, P.O. and P.S.- Pachrukhi, District- Siwan.

Petitioner / respondent

... ..

Appearance :

For the Appellant/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr .Md.Khurshid Alam (Aag12)



CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-02-2020

Heard parties.

Appellant filed writ petition stating therein that way back in the year 1950, the Bihar Sugar Works, a branch of Industrial Corporation Limited entered into an agreement with Governor of Bihar for acquisition of certain lands for construction of a sugar mill. As per terms and conditions between the company and Governor of Bihar, if at any point of time, the government felt necessity to possess the said land for the purpose of revenue administration or for public health, safety or necessity, the company shall transfer said land to the Governor of Bihar and Governor would pay to the company a sum equal to the amount of compensation and according to appellant, it was provided in the agreement that if the company at any point of time, decided to use the land for the purpose of cultivation, the original tenants would be given preference and if company did not require the land, same would be returned to the original tenants on the payment of cost for acquisition.

The writ court has observed that the so called agreement upon which appellants heavily relied are not in their



possession. It is also an admitted fact that land of petitioners do not fall under the notification dated 14.10.1950 issued by the Government of Bihar for acquisition of land under the Land Acquisition Act, 1894 acquiring 24.22 acres of land for public purpose.

Company had obtained loan from the Central Bank of India and as security for loan, lands which were purchased by the company were mortgaged and due to non-payment of loan amount, Central Bank approached Debt Recovery Tribunal, Patna and the mortgaged lands were sold in auction which was purchased by private individuals for satisfaction of loan amount and thereafter purchasers were granted possession of the auctioned sold land.

Case of appellant is that the lands which were auction sold ought to have been given to appellant/villagers in terms of agreement entered between the Company and Governor of Bihar as lands belong to ancestors of appellant/villagers.

The writ court held that petitioners miserably failed to establish any connection of their title over the auction sold land and found writ petition to be frivolous and vexatious and dismissed the writ petition with cost of Rs.20,000/- to be recoverable by the District Magistrate, Siwan, ten thousand each



from two petitioners.

After hearing learned counsel for appellant, this Court also finds that writ petition was filed without any foundational facts and relevant documents and whole claim was based upon assumption and presumption on a vague and unsubstantiated pleading and, as such, the writ court rightly dismissed the writ petition with costs.

However, taking a lenient view, the cost of Rs.20,000/- imposed by the writ court being Rs.10,000/- each on two petitioners, is set aside.

This appeal is dismissed with aforesaid modification.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2020
Transmission Date	NA

