

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 483 of 2020

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1. Shiv Pujan Mehta, (Male) aged about 66 years son of Late Bhola Mehta resident of Village- Goasi, P.S. K. Nagar, District Purnea.
 2. Chamak Lal Mehta, (Male), aged about 59 years son of Teman Mehta resident of Village- Goasi, P.S. K. Nagar, District Purnea.
 3. Raghunath Mehta (Male), aged about 59 years son of Kishnu Mehta @ Kishun Mehta resident of Village- Goasi, P.S. K. Nagar, District Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghib Ahsan, Sr. Advocate
	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP18

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-02-2020

Heard Mr. Raghib Ahsan, learned senior counsel along with Mr. Bipin Kumar, learned counsel for the petitioners and Mr. Mukula Prasad, learned AC to GP 18 for the State.

2. The petitioners have moved the Court for the following reliefs:-

“a) To quash the order dated 04.09.2019 passed by the Respondent Collector whereby the objection raised under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as the Act) whereby the lands held by the petitioners have been acquired for the purpose of civil



aviation situated contiguous to sough of Military Aerodrome, Purnea, has been rejected without even mentioning the nature of the object.

b) During pendency of this writ petition the respondents be restrained from dispossessing the petitioners from their lands.”

3. Though a counter affidavit has been filed on behalf of respondent no. 2 but the main issues have not been answered.

4. At the very outset, learned counsel for the petitioners drew attention of the Court to judgment dated 18.02.2020 passed in CWJC No. 24341 of 2019 in **Vijay Mehta @ Bijal Mehta and Ors. vs. The State of Bihar and Anr.** It was submitted that the present case is identical to the aforesaid writ petition in which the Court had set aside the order dated 04.09.2019 passed by the Collector, Purnea rejecting the objections filed by the petitioners.

5. Learned counsel for the State does not dispute that the petitioners in the present writ petition are identically situated to the petitioners of CWJC No. 24341 of 2019 in which, the order dated 04.09.2019 passed by the Collector, Purnea rejecting the objections filed by the petitioners, were set aside.

6. Having regard to the aforesaid, the present writ application stands allowed adopting the discussions and reasonings in order dated 18.02.2020 passed in CWJC No. 24341 of 2019, in



identical terms. The rejection of the objections filed by the petitioners before the Collector dated 04.09.2019, are set aside.

7. As a consequence, it is held that possession of the lands of the petitioners cannot be taken over by the authorities till the time the procedure in accordance with the provisions of the Act and the Rules is complied with, in letter and spirit, moreso in view of them not having taken any compensation amount.

8. However, before parting the Court would only observe that the authorities are at liberty to proceed from the stage of hearing the objections filed by the petitioners, by the Competent Authority. For the said purpose, fresh notices shall be issued to the petitioners fixing the date of hearing and after complying with the procedure prescribed under the Act and Rules the matter shall be taken to its logical conclusion.

9. It is further clarified that the Court has not set aside or interfered with the initial notification under Section 11 (1) of the Act and only the subsequent rejection of the objections in the manner, as discussed above, has been held to be unsustainable.

(Ahsanuddin Amanullah, J)

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