IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.246 of 2019
In
Civil Writ Jurisdiction Case No.1159 of 2019

==

1. Md. Ashfaque Ansari Alias Jiyaullah and Ors resident of Village- Hajiganj, Jogbani, Ward No. 3, P.S. Jogbani, District- Araria.
2. Md. Sanullah Ansari S/o Late Subhan Alia Ansari resident of Village- Hajiganj, Jogbani, Ward no. 3, P.S. Jogbani, District- Araria.
3. Md. Minntullah Ansari S/O late Subhan Ali Ansari resident of Village- Hajiganj, Jogbani, Ward No. 3, P.S. Jogbani, District- Araria.
4. Md.Samiullah Ansari S/O Late Subhan Ali Ansari Resident of Village- Hajiganj, Jogbani, Ward No. 3, P.S. Jogbani, District- Araria.
5. Bibi Khairun Nisha W/o late md.Subhan Ali ansari resident of Village- Hajiganj, Jogbani, Ward No. 3, P.S. Jogbani, District- Araria.

... ... Appellants.

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department Govt. of Bihar
2. The Director, Land Acquisition Directorate, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner Purnea Division, Purnea
4. The District Magistrate, Araria
5. The District Land Acquisition Officer, Araria
6. The Deputy Collector Land Reforms, Forbesganj
7. The Registrar Sub Registrar office Forbesganj
8. The Circle Officer Forbesganj Araria

... ... Respondents.

==

Appearance :

For the Appellants	:	Mr. Amar Nath Singh, Advocate Mr. Kamal Kishore Singh, Advocate
For the Respondents	:	Mr. Md. Khurshid Alam, AAG-12 Mr. Shailendra Kumar Dvivedi, AC to AAG-12

==

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-02-2022

Heard Mr. Amar Nath Singh, learned Advocate for the Appellants and Mr. Shailendra Kumar Dvivedi for the State.

The appellants had agreed to giving their lands on perpetual lease for the purposes of government construction. The lease has been executed in accordance with the Bihar Raiyati Land Lease Policy, 2014 (hereinafter, for the sake of brevity as 'Lease Policy, 2014'). The land of the appellants have been taken on perpetual lease at the cost of Rs. 1,80,00,000/- (Rupees One Crore and Eighty Lacs).

Mr. Singh submits that the valuation of the land is not in accord with the assessment of such land and the price thereof in accordance with clause (3) of the Lease Policy, 2014. Clause (3) of the Lease Policy, 2014 provides that the land on perpetual lease can be taken at the rate of four times in the rural areas and two times in the urban areas of the Minimum Valuation Register (hereinafter in short as 'MVR').

Mr. Singh has drawn attention of this Court to sub-clause (e) of clause (5) of the Lease Policy, 2014, which *inter alia* further provides that the concurrence of the lease by the land owner shall be obtained through advertisement in the newspaper. The Competent Authority shall select the land in the light of the concurrence of the said owners. The

value of the land will be evaluated by the District Collector according to provisions of paragraph-3. (**emphasis supplied**)

It has been urged on behalf of the appellants that though they had concurred to give their lands on perpetual lease to the government but they, being illiterate persons and poor farmers, did not realize that the price for the permanent lease was much less than what has been approved under the Lease Policy, 2014.

It has further been contended that without the District Collector evaluating and assessing the value of land by taking reference of the MVR, such assessment of the price is too less.

This aspect of the matter, it has been urged, has not been correctly taken note of by the learned Single Judge, who has dismissed the writ petition on the sole ground that in view of the concurrence of the land owners with respect to the compensation amount as well apart from the decision to let out the land on perpetual lease, no grievance could be made with respect to such quantum of compensation.

We are in agreement with the learned Single

Judge as the amount so given to the appellants is, not in the least, unconscionable. The objection of the appellants that such price was arrived at unilaterally without going into the evaluation by the District Collector with reference to the MVR is not tenable and vanishes in thin air only on the ground of the concurrence of the appellants to let out their lands on perpetual lease on the aforesaid price.

We do not find any justification for interfering with the order passed by the learned Single Judge.

This appeal has no merits and is therefore dismissed accordingly.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	NA