

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7427 of 2022

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Balram Kumar son of Late Chabila Mahato, resident of Choti Pahari, Ward
No. 56, P.O. Bari Pahari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District-Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Bihar Urban Infrastructure Development Corporation Ltd through its Managing Director, Bihar at Patna.
5. Managing Director, Bihar Urban Infrastructure Development Corporation Ltd., Bihar at Patna.
6. Commissioner, Patna Division, District-Patna.
7. District Magistrate-cum-Collector, Patna.
8. District Land Acquisition Officer, Patna, District-Patna.
9. Circle Officer, Sadar, District-Patna.
10. Patna Municipal Corporation through the Commissioner, District-Patna.
11. Commissioner, Patna Municipal Corporation, District-Patna.
12. Chief Managing Director, Patna Metro Rail Corporation Ltd., Indira Bhawan 7th Floor, Bailey Road, Patna-800001.
13. Director (Work) Project Patna Metro Rail Corporation Ltd., Indira Bhawan 7th Floor, Bailey Road, Patna-800001.
14. Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar at Patna.
15. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Vikash Bhawan, Bailey Road, Patna, Bihar-800001.
16. Archaeological Survey of India through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna-800001.
17. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC 25)

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 24-06-2022 Petitioner has prayed for the following relief(s):-

I. For quashing the order dated 01.04.2022 passed in Misc. Case No. 01/2021-22 (Balram Kumar Vs. The State of Bihar and others)(Annexure-P/16) by District Magistrate-cum-Collector, Patna by which the representation filed by the petitioner in the light of C.W.J.C No. 862/2022 dated 21.01.2022 has been rejected; on the ground that the District Magistrate has not given any finding with regard to the committee under Section 7 of the Act, 2013, there is no answer with regard to the consent taken by the land owners to the extent of 70%, there is no reasoning assigned for alternative lands, there is no finding to the extent mandate with regard to 21 days notice to the land owners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 (herein after "Rules, 2014" for the sake of brevity).



II. For quashing the process of acquisition published in the daily newspaper “Hindustan” dated 23.10.2021 (Annexure-P/10) under Section-11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(herein after referred as “RFCTLARRA, 2013” which has been initiated under the signature of the District Land Acquisition Officer, Patna with regard to land situated in all together 50.5950 acre of land is to be acquired under Mauja-Pahadi, Revenue PS- Patna City, Thana no-14, Circle-Patna Sadar, District-Patna and in Mauja-Ranipur, Area-25.35 acre in Revenue PS – Patna city, Thana no. - 19 , Circle-Patna Sadar, District-Patna, altogether 75.96 acre is tentative to be acquired vide under Project Patna Metro (Rail Depot construction); on the ground that the notification dated 23.10.2021 is incorrect, the process is without following the Social Impact Assessment, the action in violation of section-4, 6, 7, of RFCTLARRA, 2013;

III. For quashing the report submitted by the social impact assessment in relation to the Patna Metro Rail Corporation Limited(Annexure-P/5); as the same is complete violation of section 4, 6, 7 of the “RFCTLARRA, 2013”, there is no proper report of environmental impact assessment, the objection of the public at large has not



been considered, no proper opportunity of hearing given to the public at large as the entire process was conducted in peak of Covid-19, 2nd wave;

IV. For a direction to the Chief Secretary, Government of Bihar and the Secretary, Urban development department to consider the various representation filed by the people in accordance with law and further to act for acquisition of the land to some other place apart from Mauza-Pahari and Mauza-Ranipur as less cheaper land is available to the government of Bihar in the same line alignment as it will have effect/benefit to the public at large, at the same, metro expansion will have metro depot/yard in the outskirts of Patna and not in the heart of town at Mauza-Pahari and Mauza-Ranipur, Patna;

V. For a direction to the authority concerned to provide police protection to the families who are present in Pahari – and Mauza- Ranipur as there is a huge possibility answering respondent may proceed for acquisition of the land and it will have an impact on displacement to the public at large.

VI. For any other relief for which the petitioner is entitled for.”

We are of the considered view that the petitioner can file a separate petition in his individual capacity, more so when the Collector, Patna has already decided the issue, which



is personal in nature, qua each one of the land-owners.

We are also of the considered view that the project i.e. Construction of Metro Railways cannot be stalled, as is being sought to be done by the petitioner by filing petitions/applications repeatedly before various fora, including this Court.

On an earlier occasion, petitioner had filed a petition in his individual capacity and not as a representative of the area. It is only pursuant to order passed in the said petition that the Collector has now decided the issue, which may or may not be to the liking of the petitioner, but the present petition, in its present form, without any material particulars save and except the petitioner's personal grievance, cannot be allowed to be agitated by way of a public interest litigation.

As such, we dispose of the present petition, reserving liberty to the petitioner to file a fresh petition in his personal capacity challenging the impugned order dated 1st of April, 2022 passed by the District Magistrate, Patna

Also liberty reserved to the petitioner to take recourse to such other equally efficacious remedies as are otherwise available in accordance with law.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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