

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1073 of 2019

In

Civil Writ Jurisdiction Case No.1395 of 2019

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1. Vishwanath Prasad son of Late Rameshwar Prasad Resident of Village-Silaunja, P.O.- Basarhi, P.S.- Bodh Gaya, District Gaya.
 2. Baijnath Prasad son of Late Rameshwar Prasad Resident of Village-Silaunja, P.O.- Basarhi, P.S.- Bodh Gaya, District Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Land Acquisition Officer, Gaya.
4. The Circle Officer, Bodh Gaya, Gaya.
5. The Executive Engineer, Road Construction Division- 1, Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Nivedita Nirvikar, Senior Advocate
Mr. Shailesh Kumar, Advocate
For the State : Mr. M.K. Ambashta SC-26

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 10-11-2022

Heard Ms. Nivedita Nirvikar, learned senior advocate for the appellants and Mr. M.K. Ambashta for the State.

The appellants have challenged the order dated 24.01.2019 passed in CWJC No. 1395 of 2019, whereby the learned single judge has held that the writ petition is



frivolous and deserves to be dismissed in limine and has dismissed the writ petition.

It appears from the records that the appellants had preferred a writ petition *vide* CWJC No. 12322 of 2015, which was disposed of on 03.09.2015, giving liberty to the appellants to file a representation before the District Collector, Gaya, who was in turn directed to either himself or by delegating the powers to another competent authority to consider and decide the claim of the appellants strictly in accordance with law by a reasoned and speaking order, after giving opportunity of hearing to all stakeholders. It was further observed by the learned single judge in that instance that if the District Collector or anyone of his delegatee came to the conclusion that the claim of the appellants was admissible, then consequential orders would be passed.

When this order was not complied with, the appellants preferred a contempt petition *vide* MJC No. 1345 of 2016. This contempt petition also was disposed of



on 12.03.2018, wherein it was recorded that the State was ready to pay the compensation, provided the appellants executed the lease deed with respect to the land which was consumed for the purposes of public construction.

However, on the submission made on behalf of the appellants herein that the nature of the land was not properly assessed for computing the quantum of compensation, the contempt court gave liberty to the appellants to raise such issue before the appropriate authority. Thereafter, the appellants approached this Court again *vide* CWJC No. 1395 of 2019, in which the order dated 24.01.2019, referred to above, was passed and which has been assailed in the present appeal.

Ms. Nirvikar, learned senior advocate for the appellants has submitted that according to the measurement at the instance of the authorities, 75 decimals of the land of the appellants was found to have been consumed for which the appellants were required to



be restituted/compensated but when compensation was to be given, it was calculated on 39.7 decimals only. This had led the appellants to approach this Court in the second instance with one of the prayers of re-measurement, which was denied.

Mr. Ambastha, learned counsel for the State, however, has submitted that not only the appellants have received compensation but have also executed the lease deed with respect to the land, which has been measured to have been consumed by the State in the construction for public purpose. This precludes the appellants from raising the issue any further as it would be against the principle of *Interest Reipublicae Ut Sit Finis Litium* (It is in the interest of the State that there should be a limit to litigation).

The matter cannot be kept alive for years without any plausible reason. Solely for the reason of the appellants having accepted the compensation amount and having executed the lease deed in favour of the land, which was acquired and consumed for the public purpose,



we are not inclined to entertain this appeal, but considering that the appellants have lost their lands and they are unhappy with the measure of compensation, we make the dismissal of this appeal cost easy.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

krishna/-Sonali

AFR/NAFR	NAFR
CAV DATE	NA
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