

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3342 of 2018

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1. Kamal Singh, S/o Late Ram Sewak Singh,
 2. Ram Aslok Singh, S/o Late Rajnandan Singh,
 3. Vishwanath Singh, S/o Late Rajnandan Singh, All are resident of Village-
Jamin Mathiya, P.S.- Minapur, Anchal- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of revenue
& land reforms, Govt. of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar.
3. The Director, Land Acquisition, Government of Bihar.
4. The Collector, Muzaffarpur.
5. The District Land Acquisition Officer, Muzaffarpur.
6. The Deputy Commissioner Land Reforms, (Muzaffarpur East), Muzaffarpur.
7. The Circle Officer, Minapur Anchal, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Advocate Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 18-04-2023 Heard learned counsel for the parties.

The petitioners have filed the instant application for
the following relief(s):-

*“(A) For a issuance of a writ in nature of Certiorari
for quashing the award, dated 16.2.17 in Case No. 1-
82/83 and Case No. 8-88/89 before land Acquisition
Authority as the entire acquisition proceeding has been
lapsed.*

*(B) For issuance of the writ in nature of mandamus
commanding the respondent to start a fresh acquisition*



proceeding under the right to fair compensation and transparency in land acquisition, Rehabilitation & Resettlement Act 2013 and to culminate in fix time frame.

(C) For issuance of any other writ/writs, order/orders which entitled to the petitioners from the fact & circumstances of the case.”

Learned counsel appearing for the State referring to the contents of the counter affidavit filed on behalf of respondent nos.4 and 5 submits that the petitioners herein before filing of the instant writ application on 20.2.2018 filed Land Acquisition Case no.10 of 2017 praying therein that the petitioners be paid a sum of Rs.7,74,27,45,000/- for the schedule-I land. On perusal of the plaint of the said land acquisition case as also the prayer made in the instant application, it transpires that both arise out of L.A. Case no.1/82-83 and the descriptions of the land are also same.

On learned counsel for the petitioners being confronted with the above, and as to why there is no statement whatsoever with respect to the same in the writ application, there was no reasonable explanation given and learned counsel only referred to paragraph no.5 of the reply filed on behalf of the petitioners to the counter affidavit of the respondents which is quoted herein below:-



“That as submission made in paragraph no. 7 of the counter affidavit, we the petitioners want to submits that the land acquisition case no. 10/2017 and 11/2017 was filed due to the wrong legal advice to the petitioner where under section 51 of RECTLARR ACT 2019, the District Land Acquisition Authority is constituted about the speedy disposal of the dispute which is pending or the acquisition process is sustain by the rule of law. So, when the acquisition process is already lapse after the limitation period of 2 years. Then, How the petitioners can claim his compensation before the District Land Acquisition Authority.”

The land acquisition cases are pending as on date. From perusal of the contents of the writ application, the Court has no doubt that relevant and material fact was suppressed by the petitioners in filing of the instant writ application.

On this ground alone, the writ application is dismissed.

(Partha Sarthy, J)

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