

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.529 of 2022

In
Civil Writ Jurisdiction Case No.14379 of 2018

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Nawal Kishore Prasad, Son of Late Mithila Sharan Singh, Resident of
Mohalla- Sheikhpura, P.S.- Hawai Adda, District- Patna.

... .. Appellant/s

Versus

1. The Director, I.G.M.S. Sheikhpura Bailey Road, Patna.
2. The Secretary, The Department of Land Acquisition, Govt. of Bihar, Patna.
3. The Land Acquisition Officer, Patna.
4. The District Collector, Patna.
5. The D.C.L.R., Patna.
6. The Deputy Collector, Patna.
7. The Director, Land Acquisition, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ram Ishwar Prasad, Advocate
For the State	:	Mr. Md. Khurshid Alam (AAG-12)
For the IGIMS	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2023

The appellant in the writ petition claimed for compensation for a land acquired in the year 1983 for the construction of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna.

2. We see from paragraph 8 of the writ petition that the petitioner's case is that he "*is still in peaceful possession over the lands in question*" which he says is also



evident from the payment of rent to the State till the year 2015-16. The petitioner also has a case in paragraph-9 that without paying any compensation to the petitioner, the land is taken in the boundary of I.G.I.M.S, Patna and an attempt is made to dispossess him. If the lands were acquired, he should have approached the appropriate authorities within a reasonable time raising his claim for compensation. If dispossession is his grievance, then again he would have to seek appropriate remedies which he has not sought for especially since on the dispossession he says that he had sought for information under the Right to Information Act on 06.01.20216. A reading of the writ petition shows that the writ petition is a clear abuse of process of this Court.

3. An affidavit has also been filed by the District Land Acquisition Officer, Patna who categorically states that the land more fully described in the writ petition has not been acquired.

4. The writ petition was filed in the year 2018. The learned Single Judge rightly dismissed the writ petition on the ground of delay and laches. We fully agree with the view taken by the learned Single Judge.



5. For all the above reasons, the Letters Patent Appeal would stand dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
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