

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.523 of 2021

1. Shyam Sundar Yadav S/o Late Tilak Yadav, Resident of Mauza- Lalpatti, Ward No. 2, P.O. - Kataiya, P.S.- Singheshwar, District - Madhepura (Bihar), Pin Code - 852128.
2. Vijendra Yadav, S/o Late Tilak Yadav, Resident of Mauza - Lalpatti, Ward No. 2, P.O. - Kataiya, P.S.- Singheshwar, District - Madhepura (Bihar), Pin Code - 852128.
3. Anil Kumar @ Anil Yadav, S/o Late Anirudh Yadav, Resident of Mauza - Lalpatti, Ward No. 2, P.O. - Kataiya, P.S.- Singheshwar, District - Madhepura (Bihar), Pin Code - 852128.
4. Sunil Kumar @ Sunil Yadav, S/o Late Anirudh Prasad Yadav, Resident of Mauza - Lalpatti, Ward No. 2, P.O. - Kataiya, P.S.- Singheshwar, District - Madhepura (Bihar), Pin Code - 852128.
5. Sudhir Yadav, S/o Late Anirudh Yadav, Resident of Mauza - Lalpatti, Ward No. 2, P.O. - Kataiya, P.S.- Singheshwar, District - Madhepura (Bihar), Pin Code - 852128.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Madhepura, P.O. and P.S. and District - Madhepura (Bihar).
2. The Anchaladhikaari Singheshwar P.O. and P.S.- Singheshwar, District - Madhepura (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 05-09-2023 Heard the parties.

2. The present application has been filed for quashing of the order dated 18.03.2021 (Annexure-12) passed in Misc. Appeal No. 02/2016 whereby the learned Appellate Court below allowed Miscellaneous Appeal setting aside the order dated 30.04.2015 passed in Title Suit No. 184/2013 by learned Civil



Judge (Senior Division-1) Madhepura granted injunction order restraining the State of Bihar from constructing the ITI building over the suit land under Order 39 Rule 1 & 2 read with Section 151 of Code of Civil Procedure.

3. This Court is of the view that any infrastructure project should not be stayed in view of the amendment made in the Specific Relief Act.

4. The dispute between the petitioners/plaintiffs and the State/defendants is that the petitioners/plaintiffs claims the land to be his personal land whereas the State/defendants claims it to be a land belonging to the State. The suit is pending since 2013, I am of the view that the suit itself be decided within a period of one year from the date of communication of this order and in case the petitioner succeeds in the suit he will be eligible to get the compensation under the ***Right to Fair Compensation And Transparency Inland Acquisition, Rehabilitation And Resettlement (Amendment) Bill, 2015***. The court below will proceed *ex-parte* against the non-cooperating party and will not give unnecessary adjournments to any of the party. The State will cooperate in the disposal of the suit and it has been submitted by learned counsel for the plaintiffs that the written statement has been filed by the State after a great delay.



5. With the aforesaid observation, this application is
disposed of.

(Sandeep Kumar, J)

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