

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4869 of 2018

1. Indrajit Kumar and Anr Son of Suresh Chandra Chaudhari, Resident of Ward No. 3, Mehan, P.O.- Dandari, P.S.- Dandari, District- Begusarai.
2. Premjit Kumar, Son of Suresh Chandra Chaudhari, Resident of Ward No. 3, Mehan, PO.- Dandari, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-cum-Special Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Tribunal Munger Division,
4. The Hon'ble High Court of Judicature at Patna through its Registrar General.
5. The Registrar General, the Hon'ble High Court of Judicature at Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4876 of 2018

Raghuvansh Chaudhari Son of Vindeshwari Chaudhari, Resident of Ward No., 3, Mehan, P.O.-Dandari, P.S.- Dandanri, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-Cum-Special Secretary, Revenue and Land Reforms department, Govt. of Bihar, Patna.
3. The Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Tribunal, Munger Division,
4. The Hon'ble High Court of Judicature at Patna through its Registrar General.
5. The Registrar General, the Hon'ble High Court of Judicature at Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4937 of 2018

Raghuvansh Chaudhari Son of Vindeshwari Chaudhari, Resident of Ward No.3, Mehan, P.O.- Dandari, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors



2. The Director-cum-Special Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Tribunal, Munger Division,
4. The Hon'ble High Court of Judicature at Patna through its Registrar General.
5. The Registrar General, The Hon'ble High Court of Judicature at Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4869 of 2018)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Md. Khurshid Alam, AAG-12

(In Civil Writ Jurisdiction Case No. 4876 of 2018)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

(In Civil Writ Jurisdiction Case No. 4937 of 2018)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2024 The grievance of the petitioners is identical and, as such, with the consent of the parties they are being heard together and disposed of by this common order.

2. The facts of the cases demonstrate that the land was acquired in the year 2006-07; the award was prepared in the year 2009 and the petitioners received the payment of compensation mentioned under the award with protest sometime in the year 2009. Aggrieved with the quantum of compensation, reference has been made in Land Acquisition Case No. 06 of 2010 before the Court of Sub Judge I, Begusarai. However the learned Sub Judge I, Begusarai held that it has no jurisdiction to try the Land Acquisition Case No. 06 of 2010.



3. The legality of the order dated 01.11.2017 passed by the learned Sub Judge-1, Begusarai in Land Acquisition Case No. 06 of 2010 by which it was held that the Court of Sub Judge-1, Begusarai has no jurisdiction to try Land Acquisition Case No. 06 of 2010, is questioned in all the writ petitions.

4. The learned Advocate for the petitioners submits at the Bar that identical issue was duly considered by the learned co-ordinate Bench of this Court in the case of ***Indrajit Kumar & Anr. vs. The State of Bihar & Ors [CWJC No. 4906 of 2018]*** . The learned co-ordinate Bench having considered the entire gamut of facts as well as law held that the case of the petitioner is fully covered under the statute of the Act of 1894.

5. The learned co-ordinate Bench in its penultimate paragraph observed as follows:-

“10. It is very much clear upon reading of Section 114 (2) of RFCTLARRA mentioned above that this Section 114 (2) is nothing but the saving clause of repeal, which states that Section 114 (1) of RFCTLARRA shall not prejudice or affect Section 6 of General Clauses Act, 1897 (10 of 1897) with regard to the repeals and the General Clauses Act Section 6 (b) states that the repeal shall not affect the previous operation of any enactment so repealed or anything done or suffered thereunder. Further Section 6 (c) of the General Clauses Act



states that the repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred or any enactment so repealed. Further Section 6(e) states the repeal shall not affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

11. Meaning, thereby, those matters covered absolutely under the old Act; the persons who want to avail their rights and legal remedies under the old Act, and whose proceeding is pending under the old Act shall run according to the old Act. Meaning thereby, the case of the present petitioners which was absolutely covered under the old Act by virtue of power laid down under Section 114(2) of RFCTLARRA read with Section 6 of the General Clauses Act shall run before Sub Judge-1 only and not before any other Court.

12. In this background the order dated 01.11.2017 passed by Sub Judge-1, Begusarai in Land Acquisition Case No.06 of 2010 is hereby set-aside.

13. Sub Judge-1, Begusarai is hereby directed to hear the case of petitioners in accordance with the law.

14. Respondent No.5, namely, the Registrar



General, Patna High Court, Patna is directed to ratify the letter dated 25th March, 2017 in accordance with the provisions laid down under Section 114 (2) of RFCTLARRA read with Section 6 of General Clauses Act.”

6. Learned Advocate for the State, confronted with the order/judgment of the learned co-ordinate Bench fairly submitted that the case of the petitioners is identical to **Indrajit Kumar** (*supra*), wherein the learned co-ordinate Bench held that the case of the petitioner must be dealt with under the old Act of 1894.

7. Considering the admitted position, the writ petitions stand allowed in terms of the order dated 23.06.2023 passed in CWJC No. 4906 of 2018.

8. Accordingly the impugned order dated 01.11.2017 to the extent it relates to the petitioners, stands quashed.

9. Office is directed to place this order before the Registrar General, High Court of Judicature at Patna.

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

