

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9119 of 2016

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1. Neelam Rani W/o Sri Arvind Kumar resident at M.I.G. 61, Hanuman Nagar, Near Water Tank, P.O. Lohiya Nagar, District - Patna
 2. Avinash Kashyap Son of Sri Arvind Kumar resident at M.I.G. 61, Hanuman Nagar, Near Water Tank, P.O. Lohiya Nagar, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Road Contruction, Govt. of Bihar, Patna
3. The District Magistrate - Cum - Collector, Patna
4. The District Land Acquisition officer, Patna
5. Bihar State Housing Board through its Managing Director, 6 Mangles Road, Patna
6. The Managing Director, Bihar State Housing Board, 6, Mangles Road, Patna
7. The Executive Engineer, Patna Division, Bihar State Housing Board, 6 Mangles Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate Mr. Bipin Kumar, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Abhinav Alok, AC to AAG-13
For the BSHB	:	Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioners and the State.

2. The present petition has been filed for the following reliefs:

(i) for issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to provide adequate land to the Petitioners of the same



category as has been acquired and all other additional compensations as provided under different provisions of Land Acquisition Act 1894 and Bihar Land acquisition Re-establishment & Rehabilitation Policy 2007;

(ii) for issuance of an appropriate Writ that during the pendency of the Writ Petition, Respondent Bihar State Housing Board be directed to earmark and reserve a Plot of similar nature as has been acquired by the Respondents from the Petitioners as the land is still vacant and available in view of the detailed chart as supplied under Right to Information Act as enclosed with the Writ Petition.

3. It is the case of the petitioners that the lands were acquired by the State vide Land Acquisition Proceeding No. 52 / 1975-76/53/1975-76.

4. The case of the petitioners is/are that a piece of land was purchased by them from Bhola Singh in the year 1996 whose name finds place in the order of the Land Acquisition Officer dated 02.09.1981. Further, their case is that earlier in CWJC No. 4101 of 2012, the Court on 23.04.2012 disposed of the writ petition directing the respondents to pay the compensation amount and further directed the State Government to proceed with the construction of the road. The



said order is incorporated here-in-below:

“Learned counsel for the petitioners has submitted that the compensation awarded may be directed to be made as early as possible. The compensation is payable on the market value of the land determining on the date of the gazette notification under Section 4(1) of the Land Acquisition Act. The market value as it is current year.

The market value shall be determined within 15 days along with additional compensation under Section 31(a) and shall be made within a month.

The stay order granted earlier is hereby vacated.

The State Government is directed to proceed with the construction of road.

In view of this order, the Title Suit No.12 of 2012 summoned under Section 24 of C.P.C. is dismissed. If the compensation is not paid within a month, every month 10 per cent interest shall be paid. The petitioner has undertaken to vacate the land in dispute forthwith.

The petition is disposed of.”

5. The State Government challenged the interest part of the payment vide LPA No. 1429 of 2013 which was dismissed on 07.03.2017 and the Division Bench held that since



the State and the public are the direct beneficiary of the extraordinary power which has been exercised by the learned Single Judge in resolving the issue, the State cannot have the liberty to shy away from part of the liability and responsibility created because of the removal of the private respondents from their house and land.

6. It is not the case of the petitioners that subsequently, they did not received compensation amount as directed by the learned Single Judge.

7. The Housing Board has filed its counter affidavit and paragraphs 7 and 8 read as follows:

“7. That the above mentioned matter is related with the 1.5 kattha acquisition of land of the petitioner situated at village Pakri, Revenue Thana No. 25, Survey Plot No. 236 under Phulwari Sharif, District- Patna, which have been acquired under Land Acquisition Proceeding Case No. 52/75-76, as per Land Acquisition Act, 1/1894, the Compensation Amount has been paid by the Board according to its provisions.

8. That it is humbly submitted that the compensation against the acquired of the respective plot of the petitioner has already been paid to the Land Acquisition Officer by



the answering respondent.”

8. Once the dust was settled, acquisition process completed, payments made, in came this writ petition for a direction upon the respondents to provide adequate land to them.

9. In the opinion of this Court, it is ill-advised, frivolous and stands dismissed with a cost of Rs. 3,000/- to be deposited with the Patna High Court Legal Services Committee within a period of two weeks from today.

10. List this case after two weeks under the heading “To Be Mentioned” to peruse whether the order has been complied, payment of Rs. 3,000/- made and the receipt has been filed in the office or not.

(Rajiv Roy, J)

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