

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10378 of 2024

1. Dharmshila Sinha, Wife of Narendra Deo Singh, Resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.
2. Kaushlendra Kumar, Son of Late Chandeshwar Prasad Singh, resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.
3. Moti Jhari Devi, Wife of Late Rajeshwar Singh, resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.
4. Jitendra Kumar, Son of Late Rajeshwar Singh, resident of resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Chief Engineer-In-Charge, Department of Road Construction, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (3)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2024 Heard Mr. Mrityunjay Kumar, learned Advocate for the petitioner and Mr. Indeswari Prasad Mandal, learned Advocate for the State.

2. The petitioners by filing the present writ petition seeking a directing upon the respondents to ensure payment and the other benefits at par with the petitioners of CWJC No. 4101



of 2012 read with order/judgment of the learned Division Bench of this Court, dated 12.02.2021, passed in L.P.A. No. 279 of 2019.

3. A brief fact of the case is that the petitioners and others were owner of the land which was acquired by the Government of Bihar in Land Acquisition Case No. 105 of 2011-12 for construction of road from Arya Kumar road to New Bypass in Patna town, for which award was prepared in favour of the petitioners and other similarly situated person. Some of the similarly situated persons came in CWJC No. 4101 of 2012, seeking quashing of the notification issued under Section 4 of the Land Acquisition Act.

4. This Court vide order dated 23.03.2012 directed the Principal Secretary, Road Construction Department to settle the dispute by negotiation. Pursuant thereto a meeting was conveyed on 29.03.2012, in which the petitioners and others were called and they accepted the proposal of the State and gave their consent for acquisition of their land. The aforementioned C.W.J.C. No. 4101 of 2012 was disposed of with a direction to the State authorities to pay compensation at the market value of the current rate and further directed to determine the market value within 15 days and if compensation is not paid within a



month, every month 10% interest shall be paid. The State preferred the L.P.A. as well as S.L.P. which stood dismissed.

5. Despite the order, aforementioned, when the petitioners have denied the similar benefit, they approached before this Court in CWJC No. 1065 of 2019, however the writ petition came to be rejected on 15.01.2019.

6. Aggrieved, the petitioners preferred L.P.A. No. 279 of 2019. The learned Division Bench taking note of the facts that the case of the petitioners are at par with the petitioners of CWJC No. 4101 of 2012 set aside the order of the learned Single Judge and allowed the Letters Patent Appeal holding the petitioners entitled for the same benefits, as extended to petitioners of CWJC No. 4101 of 2012.

7. The petitioners for identical relief again approached this Court by filing the present writ petition. This Court is not in a position to comprehend that for the same relief which has already been allowed by the learned Division Bench of this Court, how the present writ petition would be maintainable.

8. The learned Division Bench of this Court in its categorical term has already held that the petitioners are entitled for the same benefit as extended to petitioners of CWJC No. 4101 of 2012, vide order dated 12.02.2021. This Court does not



find any reason to entertain the present writ petition.

9. Accordingly, the present writ petition stands dismissed, with a liberty to the petitioner to approach before the learned Division Bench of this Court by filing appropriate petition for compliance of the order.

(Harish Kumar, J)

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