

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1801 of 2023

1. Indu Devi W/o- Pramod Kumar, R/o- Virat Nagar, Lowadih, P.O. and P.S.- Namkum, District- Ranchi, State- Jharkhand.
2. Raj Kumar, S/o- Ramdeo Prasad, R/o- Village- Munna Chak, near back gate of College of Commerce, P.S.- Patrakar Nagar, Sampatchak, District- Patna.
3. Sulekha Kumari, W/o- Ashutosh Kumar, R/o- Village- Rendi, Renari, P.O.- Chamarbigaha, P.S.- Hilsa, District- Nalanda.
4. Ram Pravesh Suman, S/o- Deo Narayan Roy, R/o- Opp. River Bhikhanpura, P.S.- Desari, District- Vaishali.
5. Sarwati Devi, W/o- Shiv Shankar Prasad, R/o- Rajopatti, Jaiprakash Path (Mohini Niwas), Rajapatti, Sitamarhi Bazar, Dumri, P.O.- Mohani Mandal, P.S.- Mejarganj, District- Sitamarhi.
6. Brameshwar, S/o- Shiva Shankar Prasad, R/o- 2M/66, near North of T.V. Tower, Kankarbagh, Mahatma Gandhi Nagar, Sampatchak, P.S.- Agamkuan, District- Patna.
7. Ram Lakhan Prasad, S/o- Kishun Sah, R/o- Village- Maksudpur, P.O. and P.S.- Shahjahanpur, Patna, Bihar- 801305.
8. Hare Ram Singh, S/o- Kamta Prasad Singh, R/o- Village- Balwapur, P.O.- Sirsi Dihra, P.S.- Harnaut, Sirsi, District- Nalanda, Bihar- 803110.
9. Deepa Devi, W/o- Krishna Choudhary, R/o- Saraswati Vihar Colony, Shiv Mandir, Bajrangpuri, Dhunki, P.O.- Gulzarbag, P.S.- Alamganj, District- Patna- 800007.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District- Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District- Patna.
5. District Magistrate-cum- Collector, Patna.
6. District Land Acquisition Officer, Patna, District- Patna.
7. Circle Officer, Sadar, District- Patna.
8. Patna Municipal Corporation through the Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, District- Patna.
10. Chief Managing Director, Patna Metro Rail Corporation Ltd, Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.
11. Director (Work) Project Patna Metro Rail Corporation Ltd, Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.



12. Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar, at Patna.
13. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Vikash Bhawan Bailey Road, Patna, Bihar- 800001.
14. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
15. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
16. Archaeological Survey of India through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna- 800001.
17. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4403 of 2023

1. Birendra Kumar Singh S/o Late Ram Kanchan Singh R/o- Village- Chak Bairiya, P.O.- Bairiya, P.S.- Gopalpur, District- Patna, Bihar- 800007.
2. Shyam Kishor Singh, S/o Chaturbhuj Singh R/o- Chak Bairiya, P.S.- Gopalpur, Karanpura, District- Patna, Bihar- 800007.
3. Raju Kumar, S/o Chaturbhuj Singh R/o- Chak Bairiya, P.S.- Gopalpur, Karanpura, District- Patna, Bihar- 800007.
4. Ajay Kumar Singh, S/o Najir Singh Chakbairiya, Bairiya Patna, Bihar- 800007.
5. Pappu Singh, S/o Late Tribhuman Singh R/o- Chak Bairiya, P.S.- Gopalpur, Karanpura, District- Patna, Bihar- 800007.
6. Dhanjeet Kumar, S/o Late Tribhuman Singh R/o- Chak Bairiya, P.S.- Gopalpur, Karanpura, District- Patna, Bihar- 800007.
7. Dhiraj Kumar, S/o Late Tribhuman Singh R/o- Chak Bairiya, P.S.- Gopalpur, Karanpura, District- Patna, Bihar- 800007.
8. Gyaneshwar Prasad Mehta, S/o Late Dawarika Mahto R/o- Mahavir Mandir, Sudarshan Path, Tulsi Mandi Patna, Bihar- 800007.
9. Ravindra Kumar, S/o- Late Dawarika Mahto R/o House No. 36, Sudarshan Path, Infront of Panchayat Bhawan, Tulsi Mandi Gulzarbagh, Patna- 800007.
10. Jagarnath Kumar, S/o Kedar Mahto R/o- Tulsi Mandi Gulzarbagh, Aalamganj, Patna- 800007.
11. Shanti Devi, W/o- Kedar Mahto R/o Tulsi Mandi Gulzarbagh, Aalamganj, Patna- 800007.
12. Ribha Devi, W/o- Gajendra Singh R/o- A/14A, Vijay Nagar, Manas Mandir, Hanuman Nagar, Patna, Bihar, 800020.



... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District- Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District- Patna.
5. District Magistrate-cum- Collector, Patna.
6. District Land Acquisition Officer, Patna, District- Patna.
7. Circle Officer, Sadar, District- Patna.
8. Patna Municipal Corporation, through the Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, District- Patna.
10. Patna Metro Rail Corporation Ltd., through the Chief Managing Director, Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.
11. Chief Managing Director, Patna Metro Rail Corporation Ltd., Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.
12. Director (Work) Project Patna Metro Rail Corporation Ltd., Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.
13. Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar, at Patna.
14. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Vikash Bhawan Bailey Road, Patna, Bihar- 800001.
15. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
16. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
17. Archaeological Survey of India, through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna- 800001.
18. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4478 of 2023

1. Rajni Devi W/o Awadhesh Prasad, R/o Khirbhojana, District- Nawada, Bihar- 805130 currently resident of at Pahari, Near New ISBT, P.O.- Pahari, P.S.- Agam Kuan, District- Patna.
2. Rashmi Thakur alias Reshmi Thakur W/o Manoj Kumar Thakur, R/o



- Village- Navada, Chaita, District- East Champaran, Bihar- 845414 resident of at Pahari, Near New ISBT, P.O.- Pahari, P.S.- Agam Kuan, District- Patna.
3. Sangita Kumari W/o Uday Kumar, R/o C-15, Vijay Nagar Road 2, Saketpuri, Hanuman Nagar, Sampatchak, Patna, Bihar- 800020
 4. Sailesh Ranjan S/o Bipin Kumar Singh, R/o Chaksamya, Samyagarh, Samaya No. 2, Patna, Bihar- 800020
 5. Nirmala Kumari W/o Satengra Prasad, R/o Jora Talab, Indraprasth Colony, Post- Bariatu, District- Ranchi, Jharkhand- 834009
 6. Saket Kumar C/o Uday Kumar, R/o Mapsko Royale Ville, Tower Regent Flat No. - 603, Sector 82, Gurgaon, Haryana- 122004
 7. Usha Kumari W/o Pratya Amrit, R/o Gopalpur Kothi, Gopalpur, Siwan, Bihar- 841420
 8. Kamal Shekhar S/o Lachho Pandit, R/o Transport Nagar, Mouya Vihar Colony, B.H. Colony, Patna, Bihar - 800026
 9. Pushpendra Ray S/o Hargovind Ray, R/o A-9, Pramukh Darshan - 1, Naroli Road, P.S.- Silvasa, Dadar and Nagar Haveli- Pin Code- 396230, Maharashtra.
 10. Parvati Devi Wife of Manisen Gupta, Resident of at Pahari, Near New ISBT, P.O.- Pahari, P.S.- Agam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Government of Bihar, Patna through the Principal Secretary, District- Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District- Patna.
5. District Magistrate-cum-Collector, Patna.
6. District Land Acquisition Officer, Patna, District- Patna.
7. Circle Officer, Sadar, District- Patna.
8. Patna Municipal Corporation, through the Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, District- Patna.
10. Patna Metro Rail Corporation Ltd, through the Chief Managing Director, Indira Bhawan 7th Floor, Bailey Road, Patna- 800001
11. Chief Managing Director, Patna Metro Rail Corporation Ltd, Indira Bhawan 7th Floor, Bailey Road, Patna- 800001
12. Director (Work) Project Patna Metro Rail Corporation Ltd, Indira Bhawan 7th Floor, Bailey Road, Patna- 800001
13. Ministry of Jal Shakti, Department of Water Resources, River Development



and Ganga Rejuvenation, through the Project Director, Bihar, at Patna.

14. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through Project Director, Vikash Bhawan Bailey Road, Patna, Bihar- 80001
15. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
16. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
17. Archaeological Survey of India, through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna- 800001
18. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4575 of 2023

1. Santosh Kumar Bhuneshwar Singh R/o-Village-Chak Bairiya, P.S.-Gopalpur, District-Patna, Bihar-800007
2. Bhuneshwar Singh S/o-Ganga Singh R/o-C/o- Ganga Singh, Bairiya, District-Patna. Bihar-800007.
3. Akhileshwar Singh S/o-Ragho Singh R/o-C/o-Ragho Singh, Chak Bairiya, District-Patna, Bihar-800007.
4. Arun Kumar S/o-Late Chandraket Singh R/o-C/o-Lal Das Gupta, Near Office, Imlital Danapur, District-Patna, Bihar-801503
5. Ram Suhawan Singh S/o-Sarw Lal Singh R/o-Chak Bairiya, P.S.-Gopalpur, Karanpura, District-Patna, Bihar-800007
6. Arvind Singh S/o-Chandradev Singh, R/o-Chak Bairiya, Bairiya, P.S.-Gopalpur, District-Patna, Bihar-800007.
7. Amit Kumar S/o-Bhuneshwar Singh R/o-Village-Chak Bairiya, P.S.-Gopalpur, District-Patna, Bihar-800007

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District-Patna.
3. Principal Secretary, Urban development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District-Patna.
5. District Magistrate-Cum-Collector, Patna.
6. District Land Acquisition Officer, Patna, District-Patna.



7. Circle officer, Sadar, District-Patna.
8. Patna Municipal Corporation through the Commissioner, District-Patna.
9. Commissioner, Patna Municipal Corporation, District-Patna.
10. Patna Metro Rail Corporation Ltd., through the Chief Managing Director, Indira Bhawan 7th Floor, Bailey Road, Patna-800001
11. Chief Managing Director, Patna Metro Rail Corporation Ltd., Indira Bhawan 7th Floor, Bailey Road, Patna-800001.
12. Director (Work) Project Patna Patna Metro Rail Corporation Ltd., Indira Bhawan 7th Floor, Bailey Road, Patna-800001.
13. Ministry of Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar at Patna.
14. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River development and Ganga Rejuvenation, through Project Director, Vikash Bhawan Bailey Road, Patna. Bihar-800001.
15. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
16. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
17. Archaeological Survey of India through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat Patna-800001.
18. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8216 of 2023

1. Tanuja Kumari W/o Sunil Kumar Singh, R/o Village- Vishnupur, Ranipur, P.S. - Islampur, District- Nalanda, Bihar - 801301.
2. Ranjit Raman Roy, S/o Ramjivan Roy, R/o- 103, Bypass, 203, Badi Pahadi, Dhanuki, P.S.- Agamkuan, District- Patna, Bihar- 800007.
3. Girija Devi, W/o Nagendra Prasad, R/o- Bheragavan Chak, Jaitiya, District- Patna, Bihar- 804451.
4. Jai Nath Roy @ Jai Nath Rai, S/o Ram Jiwan Roy, R/o- Badi Pahari, near N.H.- 30, P.S.- Agamkuan, Dhanuki, Patna, Bihar- 800007.
5. Rampravesh Kumar, S/o Harinarayan Prasad, R/o- Village- Yogiya, P.O. and P.S.- Chandi, District- Nalanda, Bihar- 803108
6. Gopal Prasad, S/o Rabindra Prasad Singh, R/o- Raj Complex, New Dak Bungalow Road, Opposite Jamal Road, Phulwari, District- Patna, Bihar- 800001.
7. Mani Kumari, W/o Ramagar Choudhary, R/o- IOC Hospital Refinery Township, Nagdah, P.S.- Town Thana, District- Begusarai, Bihar- 851117.
8. Kamala Devi, W/o Ayodhya Singh, R/o- Village- Alamganj Chauki,



Kedarnath Matth, P.O.- Gulzarbag, P.S.- Alamganj, District- Patna, Bihar.

9. Kavita Devi, W/o Uday Kumar, R/o- Village- Azad Road, Banke Shah Chawk, Chandwara, P.S.- Town Thana, District- Muzaffarpur, Bihar- 812001.
10. Sujay Kumar, S/o Late Ambica Prasad, R/o- B2 Block, Flat No. B218, Disha Courtyard, Ganesh Temple Road, Vijayanagar, P.S.- White Field, Bengaluru, Karnataka- 560066.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District - Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District - Patna.
5. District Magistrate-cum-Collector, Patna.
6. District Land Acquisition Officer, Patna, District - Patna.
7. Circle Officer, Sadar, District- Patna.
8. Patna Municipal Corporation through the Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, District - Patna.
10. Chief Managing Director, Patna Metro Rail Corporation Ltd., Indira Bhawan, 7th Floor, Bailey Road, Patna- 800001.
11. Director (Work) Project Patna Metro Rail Corporation Ltd, Indira Bhawan 7th floor, Bailey Road, Patna - 800001.
12. Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar, at Patna.
13. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through Project Director, Vikash Bhawan Bailey Road, Patna, Bihar - 800001.
14. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
15. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
16. Archaeological Survey of India through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna - 800001.
17. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 1801 of 2023)



For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
Ms. Kumari Chandna, Advocate
For the Patna Metro Rail Corp. : Mr. Lalit Kishore, Sr. Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishka Shankar, Advocate
(In Civil Writ Jurisdiction Case No. 4403 of 2023)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
Ms. Kumari Chandna, Advocate
For the Patna Metro Rail Corp. : Mr. Lalit Kishore, Sr. Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishka Shankar, Advocate
(In Civil Writ Jurisdiction Case No. 4478 of 2023)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
Ms. Kumari Chandna, Advocate
For the Patna Metro Rail Corp. : Mr. Lalit Kishore, Sr. Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishka Shankar, Advocate
(In Civil Writ Jurisdiction Case No. 4575 of 2023)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
Ms. Kumari Chandna, Advocate
For the U.O.I. : Mr. Kumar Priya Ranjan, Advocate
Mr. Sandeep Kumar, Advocate
Mr. Vibhuti Kumar, Advocate
For the Patna Metro Rail Corp. : Mr. Lalit Kishore, Sr. Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishka Shankar, Advocate
(In Civil Writ Jurisdiction Case No. 8216 of 2023)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
Ms. Kumari Chandna, Advocate
For the U.O.I. : Mr. Kumar Priya Ranjan, Advocate
Mr. Sandeep Kumar, Advocate
Mr. Vibhuti Kumar, Advocate
For the Patna Metro Rail Corp. : Mr. Lalit Kishore, Sr. Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishka Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 21-02-2024

Heard Mrs. Alka Singh, learned Counsel for the
petitioners in the batch cases as also learned Counsels appearing
on behalf of the Patna Metro Rail Corporation, the Union of
India and the State.



2. The prayer in the all the writ cases are common and for proper appreciation, the prayer of CWJC No. 1801 of 2023 is being taken up which read as follows:-

(i) that the present writ application is being filed in the nature of Certiorari for quashing the process of acquisition published in the daily newspaper "Hindustan" dated 23.10.2021 (Annexure-P/22) under Section-11(1) of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as "RFCTLARRA, 2013 for the sake of Brevity") which has been initiated under the signature of the District Magistrate, Patna with regard to 50.5950 acres of land bearing Mauja-Pahadi, Revenue PS- Patna City, Thana No.-14, and 25.35 acres of land and in Mauja-Ranipur, in Revenue P.S.- Patna city, Thana No.- 19, Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land is tentative to be acquired vide under Project Patna Metro (Rail Depot Corporation); on the ground that the notification dated 23.10.2021 is incorrect, the



process is without following the Social Impact Assessment (herein after referred as " SIA for the sake of brevity"), the action is in violation of section-4, 6 & 7 of RFCTLARR Act, 2013, the notification is itself wrong as the same on the face of record states that there is no displacement of people and the SIA report is totally contradictory stating there is displacement of people;

(ii) that the present writ application is being filed in the nature of Certiorari for quashing the report of the Social Impact Assessment in relation to the Patna Metro Rail depot Corporation (Annexure- P/15); as the same is complete violation of section 4, 6 and 7 of the "RFCTLARRA, 2013"; on the ground that no proper opportunity of hearing was given to the public at large as the entire process was conducted during the outbreak of COVID-19 second wave, the sample admittedly is of small size and there is no finding for alternative land despite of the objections raised by the affected families; there is no giving of 21 days' notice for public hearing as



per Bihar Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Rules, 2014(herein after referred "Rules, 2014" for the sake of brevity);

(iii) that the present writ application is filed in the nature of Certiorari for quashing the formation of the technical expert group under Section-7 of RFCTLRA, 2013 dated 23.06.2021 (Annexure-P/16) by which expert committee has been constituted; on the ground that the two members at serial no. 6 and 7 who have been added as two representatives of the Panchayat, Gram Sabha, Municipality, or Municipal Corporation as the case may be, the said members does not belong to the municipality under which the land is intended to be acquired of ward no.56, in fact one member is from Nagar Panchayat which completely dehors the process prescribed;

(iv) that the present writ application is filed in the nature of Certiorari for quashing the technical expert report under Section-7 of RFCTLRA, 2013 dated 30.06.2021 (Annexure-



P/17) by which expert committee has submitted the report; on the ground that the section-7(2)(b) has been violated on the face of the record and in violation of the intention and objective of the RFCTLRA, 2013;

(v) that the present writ application is being filed in the nature of Certiorari for quashing the paper publication dated 11.05.2022 (Annexure-P/23) under section-19 of "RFCTLARRA, 2013" issued under the signature of District Magistrate, Patna with regard to 50.5950 acres of land bearing Mauja-Pahadi, Revenue PS- Patna City, Thana No.-14, and 25.35 acres of land and in Mauja-Ranipur, in Revenue PS- Patna city, Thana No. 19, Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land under Project Patna Metro (Metro Rail Depot Corporation); on the ground that the notification dated 11.05.2022 is incorrect, the process is without following the SIA, the action is in violation of section-4, 6 & 7 of RFCTLARR Act, 2013, the notification is itself wrong on the face of record which states that there is no



displacement of people and the SIA report is totally contradictory stating there is displacement of people, there is no proper disposal of the objection in term of section-15 of the RFCTLARRA, 2013, there is no public hearing in terms of Rule-11(3) of the Rules, 2014 in the SIA report.

3. The matter relates to construction of Patna Metro Rail Depot having an area of 75.96 acre within two Mauzas in the District of Patna namely, **Pahadi** and **Ranipur**. The claim of the petitioners in all the cases is/are that the compensation are being made on the basis of the 2014 M.V.R./Circle rate which cannot be the basis to determine the actual price of the market value of the land.

4. Learned Counsel for the petitioners straightway took the Court to an order dated 21.12.2023 passed by the co-ordinate bench of this Court in **C.W.J.C. No. 4562 of 2022** and analogous cases in which after considering the entire case, though the Court did not interfered with the acquisition process; it took note of the contention of the petitioners that the M.V.R./Circle rates of the year 2014 has been taken up by the respondents, directed the State Government/ Collector, Patna to consider the recommendation of the Expert Committee and to



take decision under rehabilitation and resettlement of land/house scheme incorporated under section 31 of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** (henceforth for short 'the 2013 Act').

5. This Court would like to incorporate the relevant/concluding paragraphs of the said order dated 21.12.2023 which read as follows :-

“218. Upon consideration of the arguments advanced by the parties, discussion held, findings arrived herein above, in my considered opinion, it would not be in the interest of public at large to interfere with the acquisition of the subject land. Accordingly, writ applications, seeking quashing of the acquisition notice, are dismissed.

219. During the preparation of Social Impact Assessment Report, majority of the land owners have demanded just and fair compensation based upon the revised M.V.R. and rehabilitation, job in lieu of acquisition of their land.

220. The possession of the entire acquired land, at mauza Pahari and Ranipur, has already been taken by the State and handed over to the PMRCL, upon which the PMRCL has started construction of the depot and about 45 per cent of



the construction work of depot has been completed and around Rs. 130 crores have already been disbursed towards the compensation to the land owners.

221. The whole scheme has progressed to a substantial level wherefrom it would be extremely difficult now to return back and quash the entire acquisition proceeding. Interference, at this stage, would mean impeding or bringing at halt the infrastructural development of the City of Patna in the shape of metro rail, which is of immense public importance for the benefit of about 22.5 millions residents of Patna and other persons visiting the State capital of Bihar.

222. It is well settled law that in judicial review, it is not open to the Court to examine the aspect of suitability of land as a court of appeal and substitute its opinion. In the present case, the PMRCL has found the land, in question, more suitable for construction of depot under the PMRP at mauza Pahari and Ranipur and has also given reasons as to why the land, in question, has been selected to be most suitable for the purpose of construction of depot and Property Development Area. The courts have to weigh the overwhelming public interest vis-à-vis the private interest while exercising the power under Article 226 of the Constitution of India.

223. In the case of Godrej and Boyce



(supra), the Bombay High Court has dealt with the ambit and scope of the writ jurisdiction in the matter of acquisition of land for eminent public purpose. The Bombay High Court has considered that even if there are any irregularities in the procedure followed by the acquiring authority for infrastructural project, the Court, in exercise of its discretionary power under Article 226 of the Constitution of India, may not interfere with the project of public importance. The powers of the Court, under Article 226 of the Constitution of India, are discretionary and merely because there are certain alleged irregularities in the procedure required to be followed while acquiring the property, the Court cannot exercise discretionary power in view of the fact that the project being infrastructural and public project of national importance.

224. In the case of Ramniklal N. Bhutta (supra), the Supreme Court has held that the power, under Article 226 of the Constitution of India, is discretionary and the same will be exercised in furtherance of interest of justice and not merely on the making out a legal point. In the matter of land acquisition for public purposes, the interest of justice and the public interest intermingle. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with



some legal requirement, that the persons interested shall also be entitled to a particular amount of damages to be awarded as a lump sum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceeding is not the only mode of redress, which is ultimately a matter of balancing the competing interest beyond this, which is neither visible nor advisable to say.

225. In the present acquisition process, certain provisions of the 2013 Act as well as 2014 Rules were not followed and there appears to be procedural lapses at the stage of preparation of Social Impact Assessment Report, formation of Expert Committee and non-consideration of the recommendations of the Expert Committee by the Government.

226. I have already held herein above that since this project is a public project, certain procedural infirmities shall not render the entire acquisition process as invalid. However, upon balancing the public interest vis-a-vis the interest of land/house owners, who have lost their entire land, including houses and some business establishments, the interest of justice demands that just, fair and adequate compensation be paid to the land/house owners, including their rehabilitation and resettlement, as prescribed under the Scheme



of the 2013 Act and also recommended by the Expert Committee.

227. From the records of these cases, it appears that the lands have been acquired at two mauza, i.e. Pahari and Ranipur; For mauza Ranipur, the rate of the lands fixed by the State Government is less than the rate fixed for the land of mauza Pahari. Since the lands have been acquired in both the mauza, i.e. Pahari and Ranipur, for one project, therefore, on the principle of one project one compensation, the lands owners of mauza Ranipur are entitled to get equal compensation at the same rate, which has been given to the land owners of mauza Pahari. Both the lands are situated adjacent to each other.

228. The question, which, now, requires consideration is as to how to ascertain the just and fair compensation, which the petitioners and others are entitled and at the same time, the Court must balance the State exchequer by not awarding any amount, which may be in excess so that not to put additional burden on the State entity.

229. The price of the land in Patna has skyrocketed and increased manifold, but the M.V.R./circle rate of the area has not been revised for many years. The Court has been informed that the compensation has been fixed on the M.V.R./circle rate prevalent in the year 2014.

230. The M.V.R./circle rate is provided



for the purpose of payment of stamp duty, but that cannot be made a basis to determine the actual price of the market value of the property. The purchasers, while purchasing the land, in the sale deed, quote the consideration amount on the basis of the M.V.R./circle rate and not the actual price paid for the purchase of the land.

231. Accordingly, in my considered opinion, let the M.V.R./circle rate, which has not been revised since long by the Collector, be revised by taking into consideration the relevant factors, including the opinion of the Expert. The concerned respondents are further directed to re-fix the compensation amount, payable to the petitioners, based upon the revised M.V.R./circle rate.

232. It has also been found that recommendations of the Expert Committee, as quoted herein above, have not been considered by the State Government, including the recommendation of the Expert Committee on the point of rehabilitation and resettlement, accordingly, I direct the State Government and the Collector, Patna, to consider the recommendation of the Expert Committee, and to take decision on the point of rehabilitation and resettlement of the land/house losers, as per Section 31 of the 2013 Act.

233. The aforesaid exercises must be completed by the respondents within the maximum



period of six months from today.

234. With the aforesaid observations and directions, these writ applications are partly allowed, to the extent indicated above.

235. All the interlocutory applications, filed in this batch of writ applications, are also disposed accordingly.

236. There shall be no order as to costs.”

6. Mr. Kanishka Shankar is representing the Patna Metro Rail Corporation and according to him, all the writ petitions which learned Counsel for the petitioners have referred to are related to the same acquisition of lands at **Ranipur** and **Pahadi** in the District of Patna for the purpose of construction of Patna Metro and can be disposed of in the light of the earlier order passed by the co-ordinate bench referred to above.

7. In that view of the matter, the present writ petitions/batch cases too are disposed of directing the respondents/Collector, Patna to take steps in accordance with law in the light of the earlier order of the co-ordinate bench in C.W.J.C. No. 4562 of 2022 and analogous cases.

8. Further, in view of the litigation policy, it would be appropriate for the Collector, Patna to invite all such applications through fresh notice/communication to be made through



Newspaper publication so that each and every individual do not have to approach Patna High Court for the same relief.

9. All the writ petitions stand disposed of.

(Rajiv Roy, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2024
Transmission Date	

