

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1461 of 2023

In
Civil Writ Jurisdiction Case No.11069 of 2022

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1. Chandeshwar Singh S/o Late Bechan Singh Resident of Village-Jinpura, P.S. Khiripar, Dist.-Patna (Bihar).
 2. Bhuneshwar Singh S/o Late Shiv Dhani Singh Resident of Village-Jinpura, P.S. Khiripar, Dist.-Patna (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary of Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land reform Department, Bihar, Patna.
3. Director, Land Acquisition, Bihar, Patna.
4. District Magistrate, Patna.
5. District Land Acquisition Officer, Patna.
6. Sub Divisional Magistrate, Paliganj, Patna.
7. Circle Officer, Paliganj, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Atul Dayal, Advocate
For the Respondent/s : Additional Advocate General 12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 17-09-2024 The appellants are before this Court challenging the judgment of the learned Single Judge which refused to interfere in the acquisition of land, for a public purpose.

2. The learned counsel for the appellants, submits that there are three contentions against the acquisition taken; first, no notice having been given; second, an alternate piece of land



being available and the third, the appellants having no means of livelihood, if the land is acquired.

3. A counter affidavit has been filed by the State, in which it has been clearly stated that a social impact study was conducted before the subject land was sought to be acquired for construction of Piyarpura Police Station. The land is said to have strategic importance, specially since it is a naxal affected area. The Circle Officer, Paliganj and the Office Incharge, Khirimore have submitted their joint report which is also produced at Annexure-C. The learned Single Judge has also noticed that there was a publication made in two newspapers 'Dainik Jagaran' and 'Hindustan' respectively on 6th and 7th August, 2022. An award has been passed and the appellants have been noticed. It is for the appellants to either accept disbursement of the amount, or get the amount under protest, and file a claim before the appropriate forum for enhancement of compensation.

4. We find that proper notice has been given to the appellants for the purpose of acquisition. A paper notice has also been issued, with the name of the appellant nos.1 and 2 requesting them to collect the award amount as on 7.5.2022. In so far as the means of livelihood having been deprived, it is to



compensate such deprivation; an award is passed.

5. The last contention is with respect to an alternate piece of land being available, which it is not for this Court to decide, specially when the counter affidavit indicates a social impact study having been done before the land for acquisition was identified as the one best suited for the police station.

6. We hence reject the appeal but however leave the appellants the right to accept the compensation and seek enhancement of the award amounts, as available in the statute, if so desired.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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