

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1113 of 2024

1. Keshav Das Son of Late Krishna Das Resident of Chimmighat, Patna City, P.S.- Chowk, District-Patna.
2. Madhav Das Son of Late Krishna Das Resident of Chimmighat, Patna City, P.S.- Chowk, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Secretary, Revenue and land Reforms Department, Bihar, Patna.
2. The Director, Land Acquisition, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Collector, Patna, District- Patna.
5. The Addl. Collector, Revenue, Patna, District- Patna.
6. The District Land Acquisition Officer, Patna.
7. The Circle Officer, Patna Sadar, District- Patna.
8. The General Manager, Bihar State Road Development Corporation Limited, Near Airport, Patna.
9. The Deputy General Manager (Tech.), Bihar State Road Development Corporation Limited, Rajaghar, P.S.. Gulzarbagh, District- Patna.
10. Director General of Police, Bihar, Patna.
11. The Senior Superintendnet of Police, Patna, District- Patna.
12. The Officer Incharge, Patna City, P.S.- Chowk, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sushanta Kumar Das, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General.
		Mr. Manish Dhari Singh, Advocate
		Mr. Ranjay Kumar Singh, AC to SC-6

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2024

Ref: Interlocutory Application No. 1/2024

The petitioner filed this Interlocutory Application challenging the order dated 16.11.2023 of the District Land Acquisition, Officer, Patna by which the objection preferred by him stands rejected by the District Land Acquisition Officer,



Bihar.

2. There is no opposition from the other side.

3. The Interlocutory Application No. **1/2024** stands allowed.

4. Let the order dated 16.11.2023 be part of the relief.

C.W.J.C. No. 1113 of 2024

Heard Mr. S.K. Das representing the petitioner while Mr. P.K. Shahi learned A.G. is appearing on behalf of the State.

2. A counter affidavit has come on behalf of the respondent nos. 8 and 9 i.e. [(the General Manager, and the Deputy General Manager (Tech.) Bihar State Road Development Corporation Ltd.) respectively]. Paragraph nos. 5 to 9 read as follows:

“5. that the petitioner has made about 47 meter length of Godown/Commercial establishment at the present location out of which only 7 meter land is being acquired. Hence the petitioner’s statement that “the petitioner will be subject to without shelter as well as starvation because of their residential houses and commercial complex are standing thereon’ is completely wrong.

6. that the connectivity road is being made on the technically better opinion



available at the site based on expertise of authorities. The encroachment at different location of Patna is being removed by Patna District Administration and at this location, it will also be removed if any encroachment found.

7. that it is submitted that the land acquisition process is being done as per law.

8. that this proposes connectivity is being constructed to ease the congestion of Ashok Rajpath (which is narrow) which will benefit lacs of people residing in Patna City area and is in large public interest of the State of Bihar to widen the Kangan Ghat connectivity road, 7 meter extra land is being acquired in which land of petitioner is also involved.

9. that as per technical requirements the land in which thana is situated is not a better option than the present alignment which requires 7 meter extra width of road from the petitioner's land all possibilities were discussed and report was prepared accordingly. It is mere an assumption of petitioner regarding the requirement of thana and its future development. The petitioner is overweighing his personal benefit rather than considering the Govt. projects benefitting lakh of people of the area."



3. Mr. Sushanta Kumar Das, learned counsel appearing on behalf of the petitioner submits that contrary to the statements made by the respondent in the counter affidavit, he has got only 7 meter land and not 47 meter. Further, a small change in the alignment can save his land failing which he will be rendered landless. His last submission is that the matter should have been referred to the State Government but the Land Acquisition Officer, Patna himself has taken a decision.

4. Mr. Shahi, learned A.G. with the help of the counter affidavit submits that the road connectivity relating to the J.P. Ganga River Front Road has come into existence and is now being used by the commuters from the West to East successfully thus easing the traffic in old Patna City. The Government further proposes to extend it towards east.

5. Learned A.G. submits that the Technical Experts have found the route to be the best suited and though the objection of the petitioner is there, ultimately, it is the Government which has to decide what should be the best route of a particular road. Only because the path crosses the petitioner's land, he cannot dictate the State to re-align the road to make it go through the Chowk Police Station, Patna City as the same was not found viable by the Committee and accepting



the said report, his case has already been rejected.

6. Learned A.G. further has drawn the attention of this Court to an order of the Hon'ble Apex Court in the case of **G. Narsing Rao (died) THR. LRS Vs. The National Highway Authority of India & Anr. in Special Leave to Appeal (C) No(s) 9314-9315/2022** which read as follows:

“Having heard learned counsel for the respective parties and having gone through the impugned order passed by the High Court, we are of the opinion that the High Court is absolutely justified in passing the impugned order. It cannot be disputed that the public interest is the paramount consideration and the National Highway Authority can be said to be best judge to decide which land to be acquired and which not to be acquired for the purpose of construction of the Highways.

In that view of the matter, no interference is called for in exercise of powers under Article 136 of the Constitution of India. The Special Leave Petitions stand dismissed.

Pending applications, if any, shall stand disposed of.”

7. He has further relied upon a recent decision of the



Patna High Court in the case of **Lalita Devi & Anr. Vs. The State of Bihar & Ors.** (C.W.J.C No. 4562 of 2022 and its analogous cases) reported in **2024 (2) BLJ 19** with specific reference to paragraph nos. 207 and 208 which read as follows:

207. The Supreme Court, in the cases of Ramji Veerji Patel (supra) and G.Narsing Rao (supra), has held that authority is the best judge to decide which land is required to be acquired for the purpose of construction of public project for public purpose. The satisfaction of the Government, if not actuated with ulterior motive, must get primacy. It is not open to the Court to examine the aspect of suitability as a court of appeal and substitute its opinion.

208. Accordingly, I am of the view that non consideration of the proposal of the petitioners regarding alternative sites by the State Government in the facts and circumstances of the present case does not vitiate the acquisition, in question.”

8. He as such concludes his argument submitting that in such cases, on the basis of the report submitted by the Technical Experts, it is the authorities who are the best one to judge what actually the route should be. Learned A.G. submits that though the objection of the petitioner was indeed taken into



consideration, the same having not found viable, stands rejected.

9. This Court has gone through the facts of the case, submissions of the parties, the order dated 16.11.2022 by the District Land Acquisition Officer, Bihar Patna as also the orders/judgments of the Hon'ble Apex Court/Patna High Court. The view of this Court is similar to what has been held by the Hon'ble Apex Court in the case of **Lalita Devi (Supra)**. It is the Government/authorities/Technical Experts who are best one to decide what should be the route of a road/metro/railway line. The individual though can represent, they cannot decide and/or expect that it should be constructed in the manner they want. This Court do not find any merit in the case.

10. It has been submitted by Mr. S.K. Das, learned counsel for the petitioner that after the order was passed, the petitioner has not even received the compensation and the respondents are hell bent upon throwing him out of his own premises.

11. Learned A.G, Bihar on instructions submits that despite notice sent to him, the petitioner has failed to appear before the authorities to receive the compensation amount. Learned counsel for the petitioner submits that he will be submitting all the documents of the land before the appropriate



authorities in next two weeks. Learned A.G. assures that in case the petitioner submits the documents showing his claim over the land in question, the same shall be taken to its logical conclusion at an earliest, preferably within a period of four weeks thereafter.

12. Taking note of the aforesaid undertakings given by the learned Counsel for the petitioner as also the learned A.G., Bihar, CWJC No. 1113 of 2024 stands disposed of.

(Rajiv Roy, J)

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