

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1868 of 2025

1. Saurabh Narain Singh, Son of Sh. (Late) Indra Jitendra Narain Singh, Resident of Ramgarh house, P.S- Rupaspur, Bailey Road, District- Patna State -Bihar 800014.
2. Vaibhav Narain Singh, Son of Sh. (Late) Indra Jitendra Narain Singh, Resident of Ramgarh house, P.S- Rupaspur, Bailey Road, District- Patna State -Bihar 800014.
3. Rewa Singh, Wife of Late Indra Jitendra Narain Singh, Resident of Ramgarh house, P.S- Rupaspur, Bailey Road, District- Patna State - Bihar 800014.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Singh, Advocate Mr. Shivam Singh, Advocate Mr. Kumar Vikram, Advocate Ms. Alka Singh, Advocate
For the State	:	Mr. Anil Kumar (AC to GP-20)
For the PMRC	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Mohit Agrawal, Advocate



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-02-2025 Heard Learned Counsel for the petitioners and

Learned Counsel for the State. Learned Senior Counsel Mr. S.D.
Sanjay appears through virtual mode on behalf of Patna Metro
Rail Corporation.

2. The present writ petition has been filed for the
following relief/s:-

"1. For directing the Respondent No. 5, the Collector, among other Respondents to consider the Petitioners' representations dated May 8, 2023, July 24, 2023, October 26, 2023, February 5, 2024 and August 27, 2024 under Section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("RFCTLARR Act") for acquiring their entire single dwelling unit located in Village Sadikpur, Thana No. 19, Khata Nos. 3, 14, 31, Plot Nos. 55, 56, 66, 67, 67/318 and part of 86 with a total area of 415 decimals ("House") of which only 63 decimals has been notified to be acquired ("Notified Partial Acquisition"), leaving 352 decimals un-acquired; and/or



II. To restrain the Respondents from carrying out any partial acquisition and/or taking any partial possession in line with the provisions of the RFCTLARR Act until the decision against the representations made by the Petitioners under Section 94 of the RFCTLARR Act are pending; and/or

III. To direct the Respondents to acquire the entire House under the original notifications made under Section 11 and Section 19 of the RFCTLARR Act as prescribed under Section 94 of the RFCTLARR Act after considering the Petitioners' representations, and that the possession of the entire House be taken only after payment of compensation against the entire House as envisaged in the RFCTLARR Act by the Respondents; and/or

IV. For directing the Respondents to declare all the plots constituting the Petitioners' House, having a 353-foot frontage as part of the principal commercial road. The Petitioners respectfully submit that the municipal tax paid for the House substantiate the classification of the entire House, including plots 55, 56, 66, 67, 67/318, and part of 86, as a single dwelling



unit/holding situated on the principal commercial road; and/or

V. For directing the Respondents to adhere to the provisions of Section 26 of the Act by considering the nearest village's value for the assessment of compensation. Specifically, the Petitioners request that the average value of the last three years of the nearest village, currently also being acquired for the same metro station, be taken into account for determining the compensation in the present matter; and/or

VI. For directing the Respondents to ensure that the Petitioners' case is assessed based on an updated Market Value Register ("MVR"), as the same has not been revised since 2016, despite the requirements of its revision under Section 26 of the RFCTLARR Act prior making of any Section 11 Notification; and/or

VII. For directing the Respondents to comply with the provisions of Section 29 of the RFCTLARR Act in the calculation of compensation for the Notified Partial Acquisition. The Petitioners submit that, despite receiving a certain sum as compensation, the cost of the building



associated with the acquisition has not been taken into account and remains unpaid to date, warranting the intervention of this Hon'ble Court; and/or

VIII. For directing the Respondents to rectify the measurement error stated in the notice dated June 8, 2024, issued by the Respondents under Section 37(2) of the RFCTLARR Act. The Petitioners submit that the measurement for the Notified Partial Acquisition of the House in plot no. 86, erroneously omits 6 decimals of land, affecting the total land area considered and, consequently, the compensation calculation, thereby necessitating intervention by this Hon'ble Court for correction and reassessment of the land measurement; and/or

IX. For directing the Respondents to follow due process in the present land acquisition process as laid down in the RFCTLARR Act and Bihar RFCTLARR Rules.

X. And pass any such other order(s) as this Hon'ble Court deem fit and proper.”

3. Learned Counsel for the petitioners submits that



they have repeatedly filed representations for acquisition of their entire plot, but no decision on their representations has been taken by the Collector who is the competent authority under the law. Therefore, petitioners have filed the present writ petition directing the Collector to entertain their application in the light of the right available to them under section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no.30 of 2013) (hereinafter referred to as “Act of 2013”).

4. Learned Senior Counsel Mr. S.D. Sanjay appears through virtual mode on behalf of Patna Metro Rail Corporation vehemently opposes the present writ petition and submits that petitioners have filed this writ petition malafidely and with a view to create hurdle in the smooth going on project of Patna Metro Rail. He submits that land has already been acquired with the full knowledge of the petitioners and the work of Patna Metro Rail is going on as fast as it can be. He further submits that by virtue of filing the present writ petition, it is the attempt of the petitioners to create hurdle in the said project. Senior Counsel further submits that filing the counter affidavit is necessary in the present case and then only it may be decided.

5. In response thereof, Counsel for the petitioners



submits that they are in no way want to create hurdle in on going Metro Rail Project. He submits that by this writ petition, they do not create any hurdle in progress of Patna Metro Rail Project in any manner. But on the other hand, he submits that petitioners have moved before this Hon'ble Court to exhaust their right provided by the law makers under section 94 of the Act of 2013, according to which a reference has to be made by the Collector before the authority RFCTLARR under the act who shall decide the questions of law available to the petitioners under RFCTLARR Act, 2013 (Act no.30 of 2013).

6. In the light of the submissions made by the parties, this Court upon going through all the six representations on which, there is no decision has been taken on the part of The District Magistrate-cum-Collector Patna, District Patna (Respondent no.5) till date, this Court became surprised.

7. Learned Counsel for the State is not in a position to apprise this Court that what happened to the aforementioned representations.

8. In this background, this Court is not interested to keep this petition pending and directs the petitioners to file their representation afresh before the District Magistrate-cum-Collector, Patna (Respondent no.5) within 30 days from today



under section 94 of the Act of 2013 and District Magistrate-cum-Collector, Patna (Respondent no.5) upon going through the petitioners' representation shall take a decision in accordance with section 94 of the Act of 2013 within 90 days thereafter.

9. It is made clear that in case, the District Magistrate-cum-Collector has already entertained petitioners' representation/representations earlier, then in that case, there is no need for him to pursue in this matter again. But in case, the District Magistrate has not passed any order on representations, then in that case, it is directed that he shall take a decision with regard to the initiation of reference before the proper authority mentioned in the law.

10. Accordingly, with the aforesaid direction, this writ petition is hereby disposed off.

11. It is made clear that order passed by this Court today shall not create hurdle in any manner for the Patna Metro Rail Project.

(Dr. Anshuman, J)

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