

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11797 of 2016

Deoeshwar Pd. Singh Son of late Ishwari Singh Resident of 168,,North Anandpuri, Boring Canal Road, P.S., Sri Krishnapuri P.O. G.P.O. Patna -800001, Distt Patna , State Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna.
3. The Land acquisition Officer, Patna Bihar.
4. The General Manager, State Road Development Corporation , Ltd. Patna.
5. Deputy General Manager, State Road Development Corporation Ltd Patna
Construction of Ganga /Drive Wa
6. Deputy General Manager, State Road Development Corporation Ltd Patna
Construction of 6 Lane Ganga B
7. Ravi Singh Son of late Ram Ishwar Singh Resident of 12-M-2 Type Sri Krishnapuri G.P.O. Patna -800001

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-09-2025 Heard the parties.

2. The present petition has been preferred for the grant
of following relief(s):

*“(i) For issuance of direction or order
or writ in the nature of mandamus to the
respondents not to pay the compensation amount
till the disposal of title of partition suit No.
142/2003 and to 18 and 30 of land refer it to
under sections Acquisition Act-1894 [Repealed)
and as per under sections 76 of right to fair
compensation and transparency in land*



acquisition, rehabilitation and resettlement Act 2013 [Here-in-after may be referred as land Acquisition Act-2013. The matter may be referred by the Collector for the determination of the authority as the case may be, whether disputes are regarding amount of compensation, persons to whom is payable, apportionment of compensation among persons interested and measurement of acquire land, Collector may refer these disputes to the decision of the court and as per land acquisition Act-2013, the Collector shall within a period of 30 days from the date of receipt of application was made, by the petitioner on to the 04.04.16 shall make a reference appropriate authority. These lands to be acquired is a joint suit land and is a subject matter of title of partition Suit No. 142/2003 pending before Sub Judge-VI Patna, Civil Court.

(ii) For issuance of direction, order directing the Collector to refer the objections and disputes relating to the land acquired under sections-76 of the land acquisition Act-2013 Collector as such has no power to grant



compensation to any body as per land Acquisition Act- 2013.

(iii) For issuance of order and direction to the respondents vide order in Miscellaneous appeal No. 310/08 dated 01.05.2013 arising out of Title of partition suit 142/2003 (Deoeshwar Pd. Singh Vs. Madhuri Devi and others) Hon'ble Mr. Justice Akhilesh Chandra (as his lordship then was) restrained all the parties to the suit from alienating the joint suit land as it will cause irreparable loss to the petitioner considering the direction of Hon'ble Mr. Justice Akhilesh Chandra, the suit land should not have been acquired. If it was mandatory in the interest of the State, compensation to the acquired joint suit land must not be paid to the petitioner as well as to defendants/respondents. Mr. Ravi Singh, his wife or her children during the pendency of the Title of partition Suit No. 142 of 2003.

(iv) For issuance and direction to Collector to refer the matter of disputes regarding award compensation amount, disputes



regarding measurement of acquired land, amount of compensation, persons to whom it is payable and apportionment of compensation among the persons interested, to the Court. As per law, these disputes or objections can be decided only by the court and thus the Collector has no power to grant compensation to anybody under sections 18 and 30 of the Land Acquisition Act, 1984 (Repealed, and under sections 64 and 76 of Land Acquisition Act, 2013. So long as objection is pending before the Sub-Judge-VI, Patna.

(v) For issuance of writ/directions to the respondents for a grant of any other relief or reliefs for which the petitioner is entitled to.”

I.A. No. 01 of 2025

3. The aforesaid Interlocutory Application has been preferred for recall of the order dated 21.07.2025 passed in CWJC No. 11797 of 2016 to the extent as mentioned as hereunder as the submission is that the sole petitioner is no more. The order read as follows:

“5. Needless to add, if the copy has not been served, the same be handed over to the learned



counsel for the petitioner within a week and the receipt has to be filed in the office failing which a cost of Rs.1,000/- shall be paid to the Patna High Court Legal Services Committee.

4. Since, the petitioner is no more, this Court is inclined to allow the I.A. No. 01 of 2025 and the cost amount that was directed to be deposited on 21.07.2025 stands withdrawn.

5. I.A. No. 01 of 2025 is disposed of.

CWJC No. 11797 of 2016

6. It has informed by Mr. Naresh Prasad, learned counsel for the petitioner in the presence of Mr. Kinkar Kumar, SC-25 that the sole petitioner is no more as such, liberty be granted to the heirs to move afresh if he/she/they so want.

7. Granting liberty to the legal heirs if he/she/they so want to agitate the matter, the writ petition as also the pending Interlocutory Applications stand disposed of.

(Rajiv Roy, J)

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