

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.73 of 2024

In
Civil Writ Jurisdiction Case No.22386 of 2019

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1. Shreekant Yadav, son of Late Dasrath Yadav, resident of Village-Goasi, Police Station-K. Nagar, District-Patna.
 2. Munna Yadav, Son of Baldev Yadav, resident of Village-Goasi, Police Station-K. Nagar, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector, Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 17-11-2025 Heard learned counsel for the petitioners and learned
AAG-12 for the State.

2. This review application has been preferred for deletion of the penultimate paragraph at page ‘5’ of the order dated 09.03.2022 passed in CWJC No. 22386 of 2019 by the Hon’ble Division Bench presided over by the then Hon’ble the Chief Justice.

3. The penultimate paragraph at page ‘5’ of the order dated 09.03.2022 reads as under:-

“Sri Raghiv Ahsan, learned Senior
counsel, states that the petitioners



shall fully co-operate and, if so asked, even prior to the completion of the proceeding, subject to the outcome of the adjudicatory process, even hand over vacant and peaceful possession of the land, should the need so arise for early completion of the project. We fully acknowledge such a gesture and appreciate the stand, which undoubtedly is in national interest.”

4. Learned counsel for the petitioners has drawn the attention of this Court towards the averments made in paragraphs ‘6’, ‘7’ and ‘8’ of the review application. It is submitted that since the writ petition was allowed with a direction to the District Magistrate, Purnea to either himself or through the authorized person conclude the proceedings positively within a period of 45 days, there was no need of making further observations which give an impression that Mr. Raghiv Ahsan, learned Senior Advocate had given some concession and agreed to hand over vacant and peaceful possession of the land even prior to the completion of the proceeding, subject to the outcome of the adjudicatory process.

5. It is submitted that the observations so made in the name of learned Senior Advocate has resulted in adverse effect upon his reputation.

6. Learned AAG-12 for the State, however, submits that



the observations of this Court in the penultimate paragraph at page '5' of the order under review do not adversely affect the interest of the petitioners. The Hon'ble Court only mentioned the good gesture shown by learned Senior Counsel in the national interest. Such observations would not, in any way, either prove fatal to the interest of the petitioners or to the reputation of the learned Senior Counsel.

7. We have heard learned counsel for the petitioners and learned AAG-12 for the State as also perused the records.

8. The petitioners had earlier moved this Court in CWJC No. 22386 of 2019 challenging the order dated 11.09.2019 passed by Respondent No. 2 whereby the objection raised under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter referred to as the 'Act') whereby the lands held by the petitioners were acquired for the purpose of civil aviation situated contiguous to South of Military Aerodrome, Purnea was rejected.

9. When the said writ application was taken up for consideration, the attention of the Hon'ble Division Bench was drawn towards the learned Single Judge judgment dated 18.02.2020 passed in **CWJC No. 24341 of 2019 (Vijay Mehta @ Bijal Mehta and Others Vs. The State of Bihar and Another)** dealing with the very same issue. A prayer was made to dispose of



the petition in terms thereof.

10. The learned Advocate General who was representing the State submitted that he would have no objection to the petition being disposed of in terms of the said order but directions be issued to the parties to fully co-operate in the adjudicatory process.

11. Having taken note of the aforementioned submissions, the Hon'ble Division Bench of this Court observed as under:-

“We are of the view that similar approach needs to be adopted in the present case, inasmuch as it is the case of the petitioners that even their objection petition was disposed of without dealing with the issues raised therein. ...”

12. Having said so, the Hon'ble Division Bench took notice of the fact that acquisition proceedings relate to expansion of the airport at Purnea. The proceeding commenced in the year 2013, but for one reason or the other, the project has been inordinately delayed. The Hon'ble Division Bench held that “There is no doubt that in law, petitioners have a right to receive compensation which is just, fair and reasonable but it is also the duty of the State to ensure that projects of vital importance are not held up only on account of passing of interim orders by various



courts. ..”

13. The Hon’ble Division Bench further held that the development of airport at Purnea is necessarily required in national interest.

14. Having gone through the entire order of the Hon’ble Division Bench, we are of the considered opinion that what has been observed in the penultimate paragraph at page ‘5’ of the order is nothing but in consonance with the earlier observations of the Hon’ble Court. Mr. Raghiv Ahsan, learned Senior Counsel has not taken any stand which may be said to be adverse to the interest of his clients.

15. We have been informed that pursuant to the order of the Hon’ble Division Bench, the objections of the petitioners were considered and appropriate order was passed thereon.

16. In the aforesaid view of the matter, we are of the considered opinion that the review application is mistaken and misconceived.

17. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Jitendra Kumar, J)

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