

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.397 of 2023
In
Civil Writ Jurisdiction Case No.11498 of 2019**

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1. Ram Awadhesh Yadav S/o Ram Babu Yadav, Resident of Naya Tola, Kumhrar, P.S.- Kankarbagh, District- Patna.
 2. Nawab Lal S/o Ram Babu Yadav, Resident of Naya Tola, Kumhrar, P.S.- Kankarbagh, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The District Land Acquisition Officer, Patna.
4. Bihar State Finance Service House Construction Co-operative Society, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Nath Sinha, Advocate
For the Respondent/s : Md. Khurshid Alam (AAG-12)

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 20-01-2025

Re.- I.A. No. 01 of 2023

The learned Advocate for the appellants/ applicants presses I.A. No. 01 of 2023 for condoning the delay of 1306 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 1306 days in preferring this appeal is



condoned.

3. I.A. No. 01 of 2023 stands allowed.

Re.- L.P.A. No. 397 of 2023

4. The appellants, who claim to be land-owners, have challenged the order passed by the learned Single Judge dated 26.06.2019 passed in CWJC No.11498 of 2019 whereby the learned Single Judge, taking reference of the Supreme Court's judgment dated 18th of August, 2014, rendered in **Ashish Sahkari Grih Nirman Samiti** and other analogous cases, rejected the application, considering that there was no need to accede to the prayer made in the writ petition.

5. We do not find any flaw in the order for us to interfere.

6. The acquisition process had begun in 1981 but till date, neither actual physical possession has been taken nor any compensation has been paid.

7. When the matter was being argued, some other claimants of the land approached this Court and



sought leave to intervene in the matter.

8. That would not be necessary, especially in view of the decision of the Supreme Court in Ashish Sahkari Grih Nirman Samiti (supra). Whenever the land acquisition process would commence, necessary consequences would follow and only thereafter, it would be open for the land owners to stake their claim.

9. No good ground has been made out by the appellants for us to interfere with the order passed by the learned Single Judge.

10. The appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Harsh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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