

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.22 of 2016

In
Civil Writ Jurisdiction Case No.11579 of 2011

=====

Rakesh Narayan Singh son of Late Kamaldeo Narayan Singh R/o Village,
P.O. and P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Disaster Management, Govt. of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
4. The Director, Land Acquisition Department, Govt. of Bihar, Patna.
5. The District Magistrate, Khagaria.
6. District Land Acquisition Officer, Khagaria.
7. The Circle Officer, Parbatta, Khagaria.
8. Mr. Anirudh Kumar, the then District Magistrate, Khagaria, presently posted as Special Secretary, Department of Home, Government of Bihar.
9. Mr. Rajiv Raushan, presently posted as Additional Secretary, Department of Rural Development, Government of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rakesh Narayan Singh, (In Person)
For the State	:	Mr. Sunil Kumar Mandal (SC-3)
	:	Mr. Arjun Prasad, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 10-04-2025

Heard Mr. Rakesh Narayan Singh (the petitioner in person) and Mr. Sunil Kumar Mandal, learned SC-3 for the State.

2. The present petition has been preferred:

“for review of the order dated 18.04.2012 passed by Hon'ble Mr. Justice Prakash Chandra Verma in C.W.J.C. NO. 11579 of 2011, in pursuance of



the order dated 08.10.2015 passed by Hon'ble the Acting Chief Justice sitting with Hon'ble Mr. Justice Chakradhari Saran Singh in L.P.A. No. 1563/2015 by which the Hon'ble Court has pleased to give liberty to the petitioner to file review petition for review of the order dated 18.04.2012 in C.W.J.C. NO. 11579 of 2011."

3. The Writ Petition vide **CWJC No. 11579 of 2011** was preferred by the father of the present petitioner namely **Kamaldeo Narayan Singh** with the following prayer:

"that this application is being filed for directing the respondents to immediately prepare the award and make payment of compensation amount petitioner on to the present market rate with statutory interest in connection with Land Acquisition Case No.4/1977-78 by which even though the land measuring about 16 acres of the petitioner situated in mauza Raka Temptha were possessed by the respondents under emergent provision of Section 17 of the Land Acquisition Act in the year 1976-77 itself but the petitioner has been deprived of the compensation amount till date."

4. The Writ Petition was taken up by a coordinate Bench of this Court (**Hon'ble P.C. Verma, as his Lordship then was**) on **18.04.2012** and the same was dismissed though



granting liberty to the petitioner to prefer appropriate application before **Collector, Khagaria** who shall dispose of the matter within a month. The order dated **18.04.2012** read as follows:

In the writ petition, the area of acquisition has been disputed by the petitioner for payment of compensation. For the verification of fact, gazette notification under Section 4 or Section 6 of the Land Acquisition Act mentioning the area acquired has not been brought on record by the petitioner to substantiate his claim. Thus in view of the law laid down by the Supreme Court in the case of Bharat Singh vs. State of Haryana, reported in AIR 1988 SC 2181, the writ petition is liable to be dismissed. The writ petition is accordingly dismissed.

However, the petitioner may raise his grievance before the Collector for payment of compensation of the land acquired. The Collector shall dispose of the matter within one month from the date of receipt/production of an application along with this order and the compensation shall be paid to the petitioner of the acquired land within a period of three months thereafter.

5. It is to be noted that after the Writ Petition came to be dismissed on 18.04.2012, the respondent authorities (the



Collector, Khagaria) took up the matter and pursuant to the report submitted by the committee headed by the **Additional Collector, Khagaria** dated **06.08.2014**, rejected the same on **09.08.2014**.

6. Instead of the challenging the said order by filing a proper Writ Petition, the **Letters Patent Appeal No. 1563 of 2015** came to be registered against the Writ Court's order one year after the order was passed by the **Collector, Khagaria** in **August, 2014**. It was taken up by a **Division Bench** headed by **Hon'ble the Chief Justice** (as his Lordship then was) on **08.10.2015** and the same was disposed of as withdrawn granting liberty to take recourse under such provision of law as may be permissible. The order dated **08.10.2015** read as follows:

Heard Mr. Ashutosh Ranjan Pandey, learned counsel for the appellant.

After some argument learned counsel for the appellant seeks permission to withdraw this appeal with liberty to take recourse to such provisions of law as may be permissible and also to make appropriate application for review of the order impugned in the appeal To the submissions so made, no objection has been raised on behalf of the respondents.

In view of the above and in the interest of justice, this appeal is hereby disposed of as



*withdrawn with liberty granted to the appellant
aforementioned.*

7. The petitioner thereafter preferred **Civil Review No. 22 of 2016** (the present petition). Pursuant to the order of coordinate Bench, the show cause of the **Collector, Khagaria** dated **24.02.2020** was filed in which it has been recorded that the land was measured in the physical presence of the petitioner, the officials and independent witnesses which now stand completed.

8. Learned counsel for the petitioner submits that the land belongs to his father and after his death to him. Though there has been delay of thirty years in demanding the compensation, the State too slept over the matter and they did not made any communication whatsoever in this regard. Further, the Letters Patent Appeal was filed immediately after the disposal of the Writ Petition on 15.05.2012, however, it remained defective for three years and came to be instituted only in the year 2015.

9. On query by this Court, whether despite opportunity granted by the **Collector, Khagaria**, the petitioner could satisfy the authorities or not, the answer is in negative. However, the contention is that the land belonged to him and as



such he was required to be compensated.

10. Learned counsel for the State, Mr. Sunil Kumar Mandal on the other hand submits that the Writ Court dismissed the petition but allowed his father to approach the respondents who were directed to take up the application, if filed by the petitioner (**the present petitioner's father Kamaldeo Narayan Singh**) and to take the same to its logical conclusion.

11. Accordingly, and as per the document on record, a committee headed by the Additional Collector, Khagaria took up the matter and noticed the petitioner side, who chose not to accept the same whereafter, it was pasted on the wall of the petitioner's family in the presence of the Panchayat Secretary and the independent witness.

12. Once the committee submitted its report on **06.08.2014**, the **Collector, Khagaria** passed a reasoned order on **09.08.2014** negating the claim of the petitioner. He submits that instead of challenging the said order dated 09.08.2014, the review petition has been filed which need to be dismissed.

13. This Court has gone through the facts of the case and the submissions of the parties. The facts that emerges is/are as follows:

14. From the order-sheet dated 09.08.2014 passed by



the Collector, Khagaria it transpires that a contempt petition vide **MJC No. 4098 of 2013** was also filed. It was taken up on **23.06.2017** by the Hon'ble the then Chief Justice (as his Lordship then was) and the Court recorded the fact that the claim for compensation has been rejected and that legality or the error in the order of the **Collector, Khagaria** cannot be looked into the contempt proceeding and the petitioner is required to challenge the order and get the same adjudicated in accordance with law by taking recourse to such remedy as may be available in law.

15. It would be appropriate to incorporate the relevant paragraphs of the contempt order dated **23.06.2017** passed in **MJC No. 4098 of 2013** which read as follows:

From the aforesaid, it is clear that the writ petition was dismissed by the learned Writ Court. However, while parting an observation was made that the Collector shall look into the question of acquisition of land and if the land of the petitioner is found to have been acquired, compensation shall be paid.

. . . .

Inter alia contending that the compensation has not been paid by the Collector, this application has been filed. Even though in the counter affidavit it is indicated that certain



acquisition proceedings are pending, but finally the claim for compensation has been rejected. Now after the claim has been rejected, the legality, the tenability or the error in the order of the Collector cannot be looked into in these contempt proceedings. It is a case where the petitioner is now required to challenge the order passed by the Collector rejecting his claim and get the same adjudicated in accordance with law by taking recourse to such remedy as may be available in law. Even though learned counsel for the petitioner during the course of hearing tried to indicate that in cases of similarly situated persons compensation has been granted, but looking to the fact that in the order passed in the writ petition there is no mandamus or direction to pay compensation to the petitioner, this Court in a contempt application cannot issue any direction for the same.

In case the petitioner is aggrieved by the manner in which his claim for compensation has been considered and rejected, that gives a cause of action to the petitioner to ventilate in accordance with law, but no case for initiating action for contempt against the respondents.

Accordingly, granting liberty to the petitioner to challenge the action of the respondents and claim compensation or any



other benefit as may be available to him in accordance with law, this application stands disposed of.

16. From the aforesaid facts, it is clear that the opportunity granted by the respondents pursuant to the order passed by the Writ Court was not deliberately availed by the petitioner inasmuch as the notice sent was not accepted by his mother on telephonic instruction given by the present petitioner. Thereafter, it was affixed on his house in the presence of Panchayat Secretary and the independent witnesses who put in their respective signatures.

17. Later, having taken note of the findings of the committee dated **06.08.2014** a reasoned order was passed by **the Collector, Khagaria** on **09.08.2014** and the natural recourse for the petitioner was to challenge the said order. Instead he kept on pursuing his case by venturing into contempt.

18. To sum the entire case, it is held that:

*i) the Writ Petition was preferred by the petitioner's father Kamaldeo Narayan Singh on **18.04.2012**. It was dismissed granting liberty to him to agitate the matter before the **Collector, Khagaria**.*

*ii) the **Collector, Khagaria** rejected the claim on **09.08.2014***



*iii) the appeal preferred vide **LPA No. 1563 of 2015** was disposed of as withdrawn on **08.10.2015**.*

*iv) the contempt petition (**MJC No. 4098 of 2013**) too came to be dismissed on **23.06.2017** and the reasoned order passed by the Hon'ble the then Chief Justice in the contempt petition clearly opined that the petitioner has the remedy to challenge the order passed by the Collector, Khagaria taking recourse to such remedy as available under the law.*

19. Instead of taking serious note of the observation of Hon'ble the then Chief Justice, the petitioner pursued the review petition and in continuation of that, wanted review Court to direct the respondents to compensate him. This Court is afraid, the same cannot be done. The Collector, Khagaria pursuant to the order of the Writ Court, opportunity was granted to the petitioner's family who chose not to accept the notice, it was properly served by affixing on the house of the petitioner in the presence of the Panchayat Secretary and the local Independent witnesses. Thereafter, the committee headed by the Additional Collector, Khagaria submitted a detailed report on 06.08.2014 which formed the basis for the Collector, Khagaria to pass a reasoned order on 09.08.2014.



20. Once the Collector, Khagaria passed an order on **09.08.2014** and if the petitioner had any grievance, he should have challenged the said order by filing an appropriate petition.

21. Instead and belatedly, the defective appeal filed against the Writ Court's order was finally made defect free in the year 2015 after the order of the Collector, Khagaria came to be passed in the year 2014. This too was disposed of as withdrawn on **08.10.2015**. The contempt petition too came to be dismissed on **23.06.2017**. The Hon'ble the Chief Justice (as his Lordship then was) clearly observed that the natural recourse is to challenge the same in accordance with law.

22. However, the petitioner, who himself is a lawyer and fully knows the nitty gritty of law, is further appearing in person, chose to look the other way and for the reasons best known to him, continued with the Review Petition. It further wanted this Court to pass an order by reviewing the Writ Court's order.

23. Lots of water has flown down the ganges since the Writ Court's order was passed in the year 2012. The petitioner having failed to challenge the order dated 09.08.2014 passed by the Collector, Khagaria negating his claims has clearly missed the bus.



24. This Court does not find any error in the order passed by the Writ Court which despite having found no merit in the writ petition directed the Collector, Khagaria to pass an appropriate order in accordance with law. The way the petitioner, despite being a lawyer has abused the process of law, at one time, this Court wanted imposition of exemplary cost but finally is refraining from doing so.

25. There is no merit in the review petition. It is accordingly dismissed. No Cost.

(Rajiv Roy, J)

vinayak/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	16.04.2025
Transmission Date	NA

