

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9965 of 2019

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1. Mahendra Singh Son of late Ram Prasad Singh Resident of Village- Fatehpur, P.S.- Didarganj, District- Patna.
 2. Saryug Singh Son of Late Ram Parikshan Singh Resident of Village- Fatehpur, P.S.- Didarganj, District- Patna.
 3. Shankar Singh Son of Late Ramdeo Singh Resident of Village- Fatehpur, P.S.- Didarganj, District- Patna.
 4. Dilip Kumar Singh Son of Late Ram Bali Singh Resident of Village- Fatehpur, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector Patna.
3. The Director Land Acquisition, Bihar.
4. The District Land Acquisition Officer Patna.
5. The Municipal Commissioner Patna Municipal Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Jha, Advocate
		Mr. Subroteswar De, Advocate
For the State	:	Mr. Sajid Salim Khan (SC-25)
For the PMC	:	Mr. Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-08-2025 Heard learned counsel for the petitioners, learned Senior counsel for the State and learned counsel for the Patna Municipal Corporation.

Re:- I.A. No.01 of 2021

Learned counsel for the petitioners submits that the present I.A. No.01 of 2021 has been filed for substitution of petitioner no.1 who died during pendency of this application leaving behind his heir whose details are mentioned in



paragraph no.3 (i) of the present I.A.

2. Learned Senior counsel for the State has no objection in allowing the present I.A. No.01 of 2021.

3. As such, the present I.A. No.01 of 2021 is hereby allowed.

4. The Registry is hereby directed to do the needful and take appropriate steps for deleting the name of petitioner no. 1 from the array of parties in the writ petition and, in his place, insert the name of his legal heir in the writ petition as well as in the cause title page also, as mentioned in paragraph no. 3(i) of I.A. No. 01 of 2021.

Re:- I.A. No.02 of 2025 & C.W.J.C. No.9965 of 2019

Learned counsel for the petitioners submits that the present I.A. No.02 of 2025 has been filed directing the respondents to return the respective land to the petitioners as the petitioners now wants to return back their land to the original owners and petitioners are ready to refund the respective amount received with interest.

2. Learned Senior counsel for the State raised a preliminary objection on I.A. No.02 of 2025 and submits that the present writ petition has been filed for directing the respondents to re-determine the value of the proposed land



under acquisition of the petitioners in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) (hereinafter referred to as 'RFCTLARR Act, 2013') and make payment to the petitioners of the re-determined value of the land as per sections 26, 27, 28, 29 & 30 of the said act. Senior counsel submits that by virtue of the present I.A., counsel for the petitioners has started raising a new plea and new relief at all which has nothing to do with the present writ petition. He submits that it is a separate cause of action and the said separate cause of action cannot be clubbed with the writ petition. Senior counsel further submits that the petitioners have earlier moved before this Hon'ble Court in C.W.J.C. No.712 of 2012 which was disposed off *vide* order dated 08.03.2017 directing the Collector, Patna and the District Land Acquisition Officer, Patna to re-determine the value of the proposed land keeping in mind the provision of new Act, particularly, section 26 of the above stated Act.

3. Learned Senior counsel for the State further submits that thereafter, the petitioners filed M.J.C. petition bearing M.J.C. No.3687 of 2017 in which *vide* order dated 19.12.2018, this Hon'ble Court has disposed off the contempt petition and observed that the re-determination of value of the



land has been made and order of the Court has already been complied with and if, the petitioners are not satisfied with re-determination as done by the concerned authorities, they have right to challenge the re-determination as done by the concerned opposite parties before the appropriate forum in accordance with law.

4. Learned Senior counsel for the State submits that after passing the order in M.J.C petition on 19.12.2018, the appropriate remedy for the petitioners is to avail their rights under Section 64 of the RFCTLARR Act, 2013 and not before the Writ Court. Senior counsel submits that the present writ petition has been filed in the year 2019 and after a lapse of about 6 years, I.A. No.02 of 2025 has been filed demanding a separate relief itself. He submits that the present writ petition itself is not maintainable and therefore, there is no question of allowing the I.A. No.02 of 2025.

5. After hearing the parties, it transpires to this Court that the petitioners had previously moved before this Hon'ble Court for the relief sought herein, in C.W.J.C. No. 712 of 2012, in which order for re-determination has been made before the appropriate forum. The order for re-determination has been further tested in M.J.C. No.3687 of 2017, in which final order has been passed to challenge the same before the appropriate



forum in accordance with law. But, in-spice of requesting for price enhancement under Section 64 of the RFCTLARR Act, 2013, petitioners have directly moved before this Hon'ble Court.

6. Therefore, the order which has been passed in C.W.J.C. No. 712 of 2012 and thereafter tested on the points of compliance in M.J.C. No.3687 of 2017, has become *res-judicata* for the petitioners and therefore, this writ petition is not maintainable.

7. The question raised in I.A. No.02 of 2025 relating to return of land to petitioners cannot be tested or demanded in the present writ petition, as it is a separate cause of action itself, about which the petitioners are at liberty to challenge before the appropriate forum in accordance with law if, advised so.

8. Hence, this writ petition is hereby dismissed along with the I.A. No.02 of 2025 with liberty to petitioners to pray for relief of I.A. No.2 of 2025 by way of treating it a separate cause of action before the appropriate forum.

(Dr. Anshuman, J)

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