

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16470 of 2014

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Kumari Kanaklata Sinha Wife of Sri Ashok Kumar Resident of Village -
Wena P.O. P.S. - Wena, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
3. Director Land Acquisition, Bihar, Patna.
4. District Magistrate Cum Collector, Nalanda.
5. District Land Acquisition Officer Cum Competant Officer, Nalanda at Bihar Sharif.
6. Circle Officer, Wena/Rahui, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	None
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 30-06-2025 Heard Mr. Pramod Kumar, learned counsel for the

petitioner and Dr. Maurya Vijay Chandra, learned counsel

representing the NHAI, there is no representation on behalf of

the State.

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

*(a) The order dated 06.03.2014 passed in
objection case no. 26/13-14 (wena) by the
District Land Acquisition Officer cum competent
officer, Nalanda at Bihar Sharif be quashed.*



(b) It be declared and held that the order dated 06.03.2014 passed by respondent no. 5 is illegal, arbitrary and without jurisdiction and the same be set aside.

(c) The lands of the petitioner under acquisition be held to be commercial and the respondents be directed/commanded to treat the same as commercial and fix and pay the amount of compensation and other consequential, financial and other benefits accordingly.

(d) By an interim order the operation of the order dated 6. 3. 2014 contained in annexure 10 be stayed and the respondents be commanded to pay the compensation etc. to the petitioner treating her land under acquisition commercial.

(e) Any other relief or reliefs which the petitioner be found entitled to be granted to her.

3. A counter affidavit on behalf of the respondent no.4 to 6 is on record, served upon the petitioner in the year 2018 itself. Paragraph no. 6 of the counter affidavit of respondent nos. 4 to 6 read as follows:

“6. That it is pertinent to mention here that the



process of acquisition of the land under project relating to extension of N.H.31 was in progress, in the meantime a decision was taken by the cabinet of the State Government to terminate the project and return back to the road transport and Rajmarg Ministry, Govt. of India to the extent of from the K.M. 47.7.23 to K.M. 154.500 of Rajauli-Bakhtiyarpur N.H. 31 total distance 107.092 M.M based on 'as it is where it is' and also a direction was given to the concerned District magistrate to realize the amount of compensation from the concerned landlords as it contained in letter no. 7269(E), dated 04.11.2016 issued under signature of Engineer in Commissioner-Special Chief-cum-Additional Secretary, Road Construction Department, Bihar, Patna. Subsequently, seeking guidelines from the Principal Secretary, Revenue and land Reforms Department, Bihar, Patna vide letter no. 2178, dated 13.12.2016 the further step has been taken by the answering respondents. In compliance of the



direction out of the amount of compensation worth Rs. 25,00,00,000.00 the unutilized amount with interest worth Rs. 24,14,30,284/- through two Bank Draft vide Draft no. 120044 and 983655 has been returned back to the Dy. G.M (Tech) Project Execution Unit, Rajgir (Nalanda) vide letter no. 492 dated 25.02.2017 issued under signature of the respondent no.5. Whereas used amount with interest worth Rs. 2336416.74 through Cheque No. 271547 and 680802 has been deposited back to the Dy. G.M. (Tech) Project Execution Unit, Rajgir (Nalanda) vide letter no. 1936 dated 21.09.2017 issued under signature of the respondent no.5. it is made clear here that at present no acquisition proceeding is in existence and hence the present writ petition became infuctuous.”

4. The aforesaid facts clearly show that the State Government has terminated the project, direction has been given to realize the amount from those who accepted it and the unutilized amount with interest stands returned to the Deputy



GM (Technical), Project Execution Unit, Rajgir, Nalanda on 25.02.2017 itself. It further records that at present, there is no acquisition proceeding in existence and as such, the writ petitioner's case has become infructuous.

5. Learned counsel for the petitioner submits that if such is the stand of the State Government that they have withdrawn the decision, naturally, the land will remain with her and in that background, she rightly cannot claim for any compensation.

6. Considering the aforesaid submissions/averment on record, since the State Cabinet has already withdrawn the proposal, unutilized amount returned to the concerned authority, in that background, the writ petition stands disposed of.

(Rajiv Roy, J)

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