

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1149 of 2019

In

Civil Writ Jurisdiction Case No.14408 of 2014

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1. Sunita Devi, Wife of Kuar Vijay Pal Singh, Resident of Dadari Dhanraj, P.O. N.H. Bangra, P.S. Kothiya, District Samastipur.
 2. Ranjit Poddar, Son of Late Deo Nandan Poddar, Resident of Village- Bharo Khara Poddar Tola, Ward No. 13, P.O. Tajpur, Block Tajpur, District- Samastipur.
 3. Suresh Sah, Son of Late Subelal Sah, Resident of Village and Post-Gauspur Sarsauna, P.S. N.H. Bengra, District- Samastipur.

... .. Appellants.

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Collector, Samastipur.
4. The District Land Acquisition Officer, Samastipur.
5. The Circle Officer, Samastipur.

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Devendra Kumar, Advocate.
For the State	:	Mr. Vinay Kirti Singh, GA-2.
		Mr. Rajan Prakash, AC to GA-2.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-02-2025

Appellants have assailed the order of the learned Single Judge dated 09.08.2019 passed in C.W.J.C. No.14408 of 2014.

2. In the writ petition (C.W.J.C. No.14408 of 2014), appellants have prayed for the following relief(s):



- “(i) To determine the compensation and prepare the Award on account of land acquired of petitioners under the provisions of Land Acquisition Act as presently applicable.
- (ii) To declare that Land Acquisition proceeding has lapsed as Award has not been prepared within 2 years from date of Notification.
- (iii) To declare that there were no grounds for invoking urgency Clause under the land Acquisition proceeding.
- (iv) To grant such other relief/reliefs to which petitioner is found entitled.”

3. Having regard to the facts that the appellants have accepted 80% of the award, what remains as on the date of deciding the writ petition is whether appellants are entitled to remaining 20% of the award or not? In this regard, the learned Single Judge has proceeded to pass order, directing the concerned authority to decide 20% award in favour of the appellants. Still feeling aggrieved by the order of the learned Single Judge, the present L.P.A. has been filed.

4. Learned counsel for the appellants submitted that the appellants are stated to have received 20% amount of Rs.975588/- on 15.10.2016.



5. Today, learned counsel for the appellants submitted that adjacent land has been treated as a commercial property and extended award in treating as a commercial value. Therefore, appellants’ property should also be treated as a commercial property. This issue cannot be adjudicated in the present L.P.A. In that event, appellants have a remedy of filing necessary litigation before the next higher forum insofar as challenging the award. Therefore, appellants are at liberty to invoke such remedy available to them insofar as assailing the award and in accordance with law.

6. In the light of the aforementioned observations, the order of the learned Single Judge would not be a hurdle insofar as assailing the award passed by the authority, in accordance with law.

7. L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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