

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1407 of 2023

In

Civil Writ Jurisdiction Case No.3133 of 2020

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Dadan Upadhyay Son of Lallan Upadhyay, Resident of village- Majhauri, P.S - Badahra, District - Bhojpur, at present mohalla - Shanti Nagar, P.S. - Rail Bazar, District - Kanpur (U.P).

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Land Acquisition, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate Bhojpur at Ara.
4. The District Land Acquisition Officer, Bhojpur at Ara.
5. The Additional Collector, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Siddharth Harsh, Advocate

For the Respondent/s : Mr. Arun Kumar Bhagat, A.C. to AAG 12

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 04-02-2025

Heard Mr. Siddharth Harsh, learned counsel for the appellant and Mr. Arun Kumar Bhagat, learned counsel for the State.



2. The appellant came before this Court vide CWJC No. 3133 of 2020 seeking an appropriate direction for setting aside of the entire proceeding in Land Acquisition Case no.7/5 of 1977-78 pending before the Land Acquisition Officer, Bhojpur at Ara and further holding that the proceeding lost its force as per law, due to non-payment of compensation within statutory period, as also for a direction to the respondents to initiate land acquisition proceeding with respect to his land and to pay adequate compensation.

3. *Prima facie* the prayer with which the appellant had approached this Court was faulty.

4. An area of 3 acres 65 decimals of land in the concerned district, claimed to be the ancestral land of the appellant, was sought to be acquired for settlement of displaced persons during floods. However the acquisition process could not be completed for very many reasons, especially for the reason of the State not considering it to be a feasible prospect for carrying out the acquisition process and thereby spending money for compensating many persons who had settled on the land.



5. From the records, it transpires that the acquisition proceeding was initiated invoking emergency provisions in the Act in the year 1977-78 but it never got concluded as noted above. In the meantime many squatters and persons displaced from their residence because of floods, settled there.

6. The prayer of the appellant that it was a raiyati land which was taken in occupation by the State has been denied. It was only a proposal which could not be taken to a logical conclusion.

7. With respect to the prayer made on behalf of the appellant before the writ Court that the respondents be directed to initiate a fresh proceeding after 40 years of the first proceeding having lapsed was rightly rejected.

8. It appears that the appellant has chosen a different way to get his raiyati land evicted from the squatters.

9. Precisely for this reason, the learned Single Judge found, and justifiably so, that such issues could not be decided on the basis of affidavits of the parties which too was very discrepant and contrary in nature and, therefore, a liberty was granted to the appellant to approach the Civil



Courts for the needful.

10. This was the only relief which could have been granted to the appellant in the circumstances.

11. As such, this appeal has no merit and is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Krishna Kr./
Bibhash

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