

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.80 of 2024

In

Civil Writ Jurisdiction Case No.16871 of 2021

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1. Kanchan Devi Wife of Sri Vinod Kumar Resident of Village- Puraini, P.S.- Sri Nagar, District- Madhepura.
 2. Suneeta Devi Wife of Shambhu Kumar Yadav Resident of Village- Madhaili Bazar, P.S.- Shankarpur, District- Madhepura.
 3. Ruby Kumari Wife of Kamaleshwari Yadav Resident of Village- Raibhir, P.S.- Shankarpur, District- Madhepura.
 4. Nilu Kumari Wife of Dilip Kumar Resident of Village- Jogbani, P.S.- Gamharia, District- Madhepura.
 5. Sanjiv Kumar Yadav @ Sanjeev Kumar Son of Ramji Prasad Yadav Resident of Village- Maheshua, P.S. and District- Madhepura.
 6. Suneeta Devi Wife of Anil Yadav Resident of Village- Jirwa Tola, Hilorwa, P.S.- Shankarpur, District- Madhepura.
 7. Anumala Devi Wife of Sri Bhola Yadav Resident of Village- Jirwa Tola, Madhaili, P.S. and District- Madhepura.
 8. Brajesh Kumar Son of Balkrishna Yadav Resident of Village- Bhaluaha, Ward No.- 10, P.S.- Singheshwar, District- Madhepura.
 9. Sanjan Kumari Wife of Manoj Kumar Resident of Village- Hanuman Nagar Chaura, P.S. and District- Madhepura.
 10. Ranjit Kumar Son of Gajendra Yadav Resident of Village- Jhikatiya, P.S.- Ghailadh, District- Madhepura.
 11. Arjun Yadav Son of Kamleshwari Yadav Resident of Village- Shiv Nagar, Jamuaha, P.S.- Kumar Khand, District- Madhepura.
 12. Munmun Devi Wife of Sri Rakesh Kumar Resident of Village- Shiv Nagar, Jamuara, P.S.- Kumarkhand, District- Madhepura.
 13. Kavita Kumari Wife of Sri Awadhesh Kumar Resident of Village- Bhelwa, P.S. and District- Madhepura.
 14. Sumeet Kumar Suman Son of Ram Kumar Yadav Resident of Village- Ward No.- 11, Kariyat, P.S.- Sour Bazar, District- Saharsa.
 15. Gulab Devi Wife of Sri Mahendra Thakur Resident of Village- Ward No.- 2, Aratoha, Rajbhir, P.S.- Shankarpur, District- Madhepura.
 16. Pinki Kumari Wife of Sri Umesh Kumar Resident of Village- Amaha, P.S. and District- Supaul.
 17. Gunjan Devi Wife of Mukesh Kumar Resident of Village- Chikani Tola, Jogbani, P.S.- Gamhariya, District- Madhepura.

... .. Appellants

Versus

1. The State of Bihar through the Principal Secretary of the Revenue and Land Reforms Department, Government of Bihar, Patna.



- 2. The Principal Secretary of the Revenue and Land Reforms Department, Government of Bihar, Patna.
- 3. The District Magistrate, Madhepura.
- 4. The District Land Acquisition Officer, Madhepura.
- 5. The District Sub Registrar, Madhepura.
- 6. The Circle Officer, Madhepura, District- Madhepura.
- 7. Ratnesh Kumar Son of Prithvi Lal Yadav Resident of Village- Jirwa Tola Maujama, P.S.- Shankarpur, District- Madhepura.
- 8. Kari Devi Wife of Sri Brahmdeo Sah Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.
- 9. Most. Pramila Devi Wife of Late Mahendra Sah Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.
- 10. Ruby Devi Wife of Sri Hari Narayan Yadav Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.

... .. Respondents

Appearance :

For the Appellants : Mr. Alok Kumar Singh, Advocate
For the Respondents : Mr. Addl. Advocate General 12

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

10 20-01-2026 The present *intra* Court appeal has been preferred against the order dated 18.12.2023, passed in CWJC No.16871 of 2021, wherein the learned Single Judge has made the following observations in paragraphs 4 & 5:-

“4. However, by filing counter affidavit, counsel for respondent Nos. 3 to 6 submits that the land acquisition of the land for construction of Police Line, Madhepura is in the light of requisition vide Letter No. 3588/G.S. dated 20.08.2008 of Superintendent of Police, Madhepura. The land acquisition process was initiated under Section 4 of the Land Acquisition Act, 1894 for



acquisition of 23.71 acre land. For this, notification was published in the local newspapers on 08.09.2011 and after publication of the notification, declaration for the acquired land was published in the newspapers on 11.09.2011. Thereafter, proceeding under Section 11, Act 1 of 1894 the award of the acquired land was declared on 30.08.2013 and till now Rs. 3.208548 crore compensation amount has been disbursed among the raiyats. It is further submitted that allocation of land for Police Line is an administrative decision and it has been decided after taking into consideration the strategic location of the local administration.

5. Having heard counsel for the parties and having perused the materials available on record, I do not find any merit in the application. Location of Police Thana/Line is primarily for the State government to decide. The appropriate authority for deciding the place of construction of Police Thana/Line would be the concerned department and/or the local administration. This is purely an administrative matter. This Court cannot arrogate to itself the role of administrator to start taking administrative decisions where the Police Line should be constructed or not.”

2. Learned counsel for the appellants submits that the compensation for the land in question has not been paid to the appellants nor the possession of the land in question has been



taken by the concerned authorities. Learned counsel for the appellants further submits that any acquisition of land being done at this stage would require initiation of a fresh land acquisition proceeding by the respondent authorities.

3. In support of his claim, the learned counsel has relied upon Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is reproduced as under:

“(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894),-

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or
(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed



and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

4. Though, the aforesaid grounds have been taken in the present *intra* court appeal, on perusal of records and the impugned order, it is evident that such submissions were never advanced before the learned Single Judge.

5. It is a settled principle of law that no additional facts or the facts beyond the records of the writ Court can be taken in the *intra* Court appeal. The scope of a Letters Patent Appeal is very limited and it cannot be greater than the original Writ Petition. The Appellate Court, while exercising *intra* Court appellate jurisdiction, cannot go beyond the pleadings, issues and materials which were placed before the learned Writ Court. At this juncture, it is pertinent to take note of the judgment passed by Hon’ble Supreme Court in ***Netai Bag & Ors. v. State***



of W.B. & Ors., reported in *(2000) 8 SCC 262*, wherein it was observed as under:

“13.The appeal before the Division Bench of the High Court and in this Court being in continuation of the original proceedings in the form of writ petition, cannot enlarge the scope of inquiry at this belated stage.....”

6. Considering the aforesaid facts and the discussions made herein, we find no reason to interfere with the order of the learned Single Judge.

7. Accordingly, the present appeal stands disposed of with the liberty that the appellants may file a review application before the learned Single Judge, if so advised.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Ritesh Kumar, J.)

Gaurav Kumar/-

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