

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12846 of 2024

Parshuram Singh Son of Late Krishna Singh Resident of Shivpuri Colony,
Chas, Bokaro Steel City, Jharkhand, presently residing near Pillar No.3,
Bailey Road, Patna- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Urban Development and Housing Department, Govt. of Bihar, Patna through the Principal Secretary, District- Patna.
3. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Commissioner, Patna Division, District- Patna.
5. District Magistrate-cum-Collector, Patna.
6. District Land Acquisition Officer, Patna, District- Patna.
7. Circle Officer, Danapur, District- Patna.
8. Patna Municipal Corporation through its Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, Mauryalok, District- Patna.
10. Chief Managing Director, Patna Metro Rail Corporation Ltd, Indira Bhawan 7th Floor, Bailey Road, Patna- 800001.
11. Director (Work) Project, Patna Metro Rail Corporation Ltd, Indira Bhawan 7th Floor, Bailey Road Patna- 800001.
12. Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through the Project Director, Bihar, at Patna.
13. National Mission for Clean Ganga, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, through its Project Director, Vikash Bhawan Bailey Road, Patna, Bihar- 800001.
14. Bihar State Pollution Control Board, Patna, Bihar through its Principal Secretary, Bihar at Patna.
15. Principal Secretary, Bihar State Pollution Control Board, Bihar at Patna.
16. Archaeological Survey of India through Regional Director, Patna Circle, Puratattwa Bhawan, J.C. Road, Anta Ghat, Patna- 800001.
17. Regional Director, Patna Circle, Archaeological Survey of India, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kr. Singh, Adv. Mr. Anmol Kumar, Adv. Ms. Abhilsha Kumari, Adv.
For Resp. nos. 14 & 15	:	Mr. Pramod Kumar Singh, AC to SC-26
For PMC	:	Mr. Prasoon Singh, Sr. Adv. Mr. Prabhat Kumar, Adv.
For Patna Metro	:	Ms. Anukriti Jaipuria, Adv.
For resp. nos. 10 & 11	:	Mr. Rajnikant Kumar, Adv.



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-06-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

I. that the present writ application is being filed in the nature of Certiorari for quashing the process of acquisition published in the daily newspaper "Hindustan" dated 17.11.2022 (Annexure-P/10) under Section-11(1) of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as "RECTLARRA, 2013 for the sake of Brevity") which has been initiated under the signature of the District Magistrate, Patna: on the ground that the notification dated 17.11.2022 is incorrect, the process is without following the Social Impact Assessment (herein after referred as SIA for the sake of brevity"), the action is in violation of section-4. 6 & 7 of RFCTLARR Act. 2013, the notification is itself wrong as the same on the face of record states that there is no displacement of people and the SIA report is totally contradictory stating there is displacement of people;

II. That the present writ



application is being filed in the nature of Certiorari for quashing the report of the Social Impact Assessment in relation to the Patna Metro Rail depot Corporation (Annexure-P/4) dated 27.08.2022; as the same is in complete violation of section 4, 6 and 7 of the "RFCTLARRA, 2013", there is no proper report of Environmental Impact Assessment (EIA), even the objection of the public at large has not been considered, no proper opportunity of hearing was given to the public at large as the entire process was conducted in hurry, there is no finding for alternative land;

III. That the present writ application is being filed in the nature of Certiorari for quashing the expert committee report dated 11.02.2023 issued under the signature of the General Manager (Works) Technical Expert -cum- Coordinator by which report has been submitted under Section 7 of the RFCTLARR Act 2013, on the ground that the initial proceeding of the SIA report has not been considered, the formation of the expert committee is not in consonance with Section 7 read with the intent and object of the Bihar RFCTLARR Rules, 2014;

IV. That the present writ application is being filed in the nature of



Mandamus for a direction to the District Magistrate, Patna Respondent No.5 And District Land Acquisition Officer, Patna, Respondent No.6 to bring on record the rejection order of the objection filed by the petitioner under section 15 (ii) of RECTLARR Act, 2013 read with the Bihar RECTLARR Rules, 2014 and quash the same;

V. That the present writ application is being filed in the nature of Certiorari for quashing the award prepared dated 08.06.2024 issued under the signature of District Land Acquisition Officer, Patna Respondent No. 6 by which award in L.A. Case No. 23/2022-2023 for Patna Metro Rail project has been prepared under Section - 23 and Section-30 of the RFCTLARR Act, 2013; on the ground that the award prepared under Section-23 and under Section-30 is in breach of Section-30(2) of the 2013 Act, the due process of law has not been followed as per the provisions of the law, the entire award under form IX as per the Rules, 2014 is incorrect, improper, illegal, no process followed under section-21 and 26 of the RFCTLARR Act, 2013;

VI. And pass any such other order/ orders as this Hon'ble Court deem fit and proper.



3. The petitioner owns a piece of land with the following details:

Survey Plot no.- 87;

Mauja- Sadikpur;

Thana No.- 19

area- 23 decimal;

Block- Danapur;

district- Patna.

4. The Patna Metro Rail Corporation Limited (henceforth for short '**the Patna Metro**') is constructing the East- West Corridor (Danapur Cantonment to Khemnichak) and North-South Corridor (Patna Railway Station to New ISBT) and the petitioner's land fall under East-West Corridor. Though, as reflects in the prayer portion itself, the petitioner wanted number of reliefs, now he has come up with limited relief inasmuch as the petitioner wants disposal of the matter in the light of earlier cases which stood disposed of by the Patna High Court.

5. Mr. Singh representing the petitioner submits that in the case of **Lalita Devi and Anr. vs. State of Bihar & ors. (CWJC No. 4562 of 2022)** along with other analogous cases, a Bench of this Court vide an order dated **21.12.2023** held as follows:

226. I have already held herein above that since this project is a public project, certain



procedural infirmities shall not render the entire acquisition process as invalid. However, upon balancing the public interest vis-a-vis the interest of land/house owners, who have lost their entire land, including houses and some business establishments, the interest of justice demands that just, fair and adequate compensation be paid to the land/house owners, including their rehabilitation and resettlement, as prescribed under the Scheme of the 2013 Act and also recommended by the Expert Committee.

227. From the records of these cases, it appears that the lands have been acquired at two mauza, i.e. Pahari and Ranipur, For mauza Ranipur, the rate of the lands fixed by the State Government is less than the rate fixed for the land of mauza Pahari. Since the lands have been acquired in both the mauza, i.e. Pahari and Ranipur, for one project, therefore, on the principle of one project one compensation, the lands owners of mauza Ranipur are entitled to get equal compensation at the same rate, which has been given to the land owners of mauza Pahari. Both the lands are situated adjacent to each other.

228. The question, which, now, requires consideration is as to how to ascertain the just and fair compensation, which the petitioners and others are entitled and at the same time, the Court must balance the State exchequer by not awarding any amount, which may be in excess so that not to put



additional burden on the State entity.

229. The price of the land in Patna has skyrocketed and increased manifold, but the M.V.R./circle rate of the area has not been revised for many years. The Court has been informed that the compensation has been fixed on the M.V.R./circle rate prevalent in the year 2014.

230. The M.V.R./circle rate is provided for the purpose of payment of stamp duty, but that cannot be made a basis to determine the actual price of the market value of the property. The purchasers, while purchasing the land, in the sale deed, quote the consideration amount on the basis of the M.V.R./circle rate and not the actual price paid for the purchase of the land.

231. Accordingly, in my considered opinion, let the M.V.R./circle rate, which has not been revised since long by the Collector, be revised by taking into consideration the relevant factors, including the opinion of the Expert. The concerned respondents are further directed to re-fix the compensation amount, payable to the petitioners, based upon the revised M.V.R./circle rate.

232. It has also been found that recommendations of the Expert Committee, as quoted herein above, have not been considered by the State Government, including the recommendation of the Expert Committee on the point of rehabilitation and resettlement, accordingly, I direct the State Government and the



Collector, Patna, to consider the recommendation of the Expert Committee, and to take decision on the point of rehabilitation and resettlement of the land/house losers, as per Section 31 of the 2013 Act.

233. The aforesaid exercises must be completed by the respondents within the maximum period of six months from today.

234. With the aforesaid observations and directions, these writ applications are partly allowed, to the extent indicated above.

235. All the interlocutory applications, filed in this batch of writ applications, are also disposed accordingly.

236. There shall be no order as to costs.

6. Aggrieved by the said order, both the petitioners (who were not inclined to part away with the land for the purpose of acquisition) and the State of Bihar as also 'the Patna Metro' who were aggrieved by the direction to update the MVR/ circle rate moved before the Division Bench in **LPA No. 45 of 2024 (Ranjeet Kumar & ors. vs. State of Bihar & ors. and analogous cases)**.

7. It was taken up by a Division Bench headed by the then Hon'ble the Acting Chief Justice and paragraph 51 onwards read as follows:



51. All these principles inhere in the Act of 2013.

52. The land owners were noticed; their objections were heard; they were informed about the rejection of their objections and; they were also heard with respect to suggestion regarding other sites. The compensation amount has been fixed and the process has been speeded up to perhaps the maximum possible limit. It must stand concluded with the net result that the Metro line should become functional without any delay. So far as quantum of compensation is concerned, we do reckon that revising the MVR/Circle Rates which are of the year 2014 is urgently needed.

53. However, the direction of the learned Single Judge that it should be done first and then compensation be paid, would not be practical in the sense that updating the Circle Rates require time and in the present circumstance, time would be the essence especially if seen in the context of the land owners who have been divested of their land who would require money urgently for their resettlement.

54. The procedure adopted by the State in comparing the MVR rates with the sale deeds exemplars in the last three years and the highest being given to the land



owners appears to us to be absolutely justified.

55. While reiterating the importance of the various provisions of the Act of 2013, which need to be complied with to the fullest before acquiring lands. The Supreme Court in **Delhi Metro Rail Corporation, 2023 Live Law SC 363**, ruled that disturbing the process of acquisition and compensation would not be appropriate, looking at the positive impact viz., fast traffic, saving the cost of acquisition, practically no destruction of buildings etc., and the stage of construction to the extent of 30%. In that case, a concern was expressed over diversion of various areas of land in morphological ridge for non-forest purposes. In the context of PMRP, we find that disturbing the process of acquisition, more so when more than 45% of work has already advanced would not be correct. It would not only result in huge escalation of cost but loss to the public exchequer also.

56. We, therefore, find that the acquisition is for public purposes and the objections of the land owners are not valid. However, we have also found that the manner of computation of compensation to be paid to the land owners is justified.

57. We, therefore, modify the



judgment of the learned Single Judge and direct that the MVR/Circle rates of 2014 must be updated, which would be an independent exercise which shall be carried out by the State after observing the due process in that regard but the payment of compensation to the land owners would not be contingent on such updation as it would take long time.

58. Thus the appeals on behalf of the land owners are dismissed whereas the appeals preferred by the State and the PMRC are allowed to the extent indicated above.

59. All the appeals and Interlocutory Applications are disposed off.

8. Lalita Devi and Another who were part and parcel of the writ petition and the appeals, thereafter, moved before the **Hon'ble Supreme Court of India in SLP (Civil)- Diary No(s). 39641 of 2025 (Lalita Devi & Anr. vs. State of Bihar & ors.)** and the short order dated **19.09.2025** by the Hon'ble Apex Court read as under:

Heard learned Senior Counsel for the petitioners.

Delay condoned.

3. Issue notice for the limited purpose to modify



para Nos. 53 and 57 of the impugned judgment, passed by the Division Bench of the High Court of Judicature at Patna, so that the affected landowners may seek determination of the market value of their land in accordance with the scheme conceptualized under the Act.

4. Notice be made returnable on 27.10.2025./

5. The acquisition of land is, however, upheld and the respondent-authorities are directed to continue with the project without any impediment.

9. Learned counsel for the petitioner submits that it will suffice if he is allowed to agitate the matter in the light of the final outcome of the order passed by the Hon'ble Apex Court in the aforesaid case of **Lalita Devi** (supra).

10. Learned Senior Counsel for the Bihar State Pollution Control Board, learned counsel for the State as also learned counsel representing 'the Patna Metro' has no objection.

11. In that background, the writ petition is disposed of with the observation that the final outcome in the case of **Lalita Devi** (supra) pending before the Hon'ble Supreme Court shall decide the fate of the present case also with regard to updation of the MVR/circle rate in the district of Patna.

12. Let a copy of the order be sent to the Additional Chief Secretary, Urban Development & Housing Department,



Govt. of Bihar, Patna for his/her perusal and needful in view of the fact that irrespective of the outcome of the case of **Lalita Devi** (supra), the State Government need to update the MVR/circle rate across the State and it should not be restricted only to the Capital City of Patna.

13. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/
Munindra Kumar
Sahu

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