

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15120 of 2025**

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1. Sunita Kumari, wife of Yogendra Kumar, Place Sheikhpura, Girihinda, Professor Colony, P.O and P.S.-Sheikhpura, District - Sheikhpura.
2. Radheshyam Kumar, Son of Anirudha Roy, Address village Domandihra, P.S.- Agigao, District Bhojpur currently residing at 303 B, wing Asha Niwas, Kishan Nagar Thana west, Thana wagle i.e. Thane, Maharastra 400604
3. Ramesh Pandit, Son of Late Umanath Pandit, resident of 83, Sadikpur durga Charan-lane, Gulzarbagh, Sampatchak, P.S. - Gulzarbagh, Bihar -800007.
4. Late Mahendra Kumar, Son of Umanath Pandit, Resident of Durga-Charan-lane, meena bazaar, P.S. sadikpur, Patna City, Patna, Bihar-800007.
5. Surendra Prasad, Son of Dharmnath Prasad, Resident of Ashok Nagar, Road No.- 11, R.K. Mishan School, P.S. -Kankarbagh, Sampatchak, Patna, Bihar-800020.
6. Saraswati Devi, Wife of Surendra Prasad, Ashok Nagar, Road No. 11, RK Mission School, PS Kankarbagh, Sampatchak, Patna, Bihar -800020
7. Santosh Kumar Singh, Son of Umanath Singh, Resident of Gram Chak Bairiya, Post - Bariya, Thana - Sona Gopalpur, Bairia, Sampatchak, Patna -800007.

... .. 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. Patna Metro Rail Corporation Ltd., through the Managing Director, Address-Indira Bhawan 7th Floor, Bailey Road, Patna 800001.
8. Managing Director, Patna Metro Rail Corporation Ltd., Indira Bhawan 7th Floor, Bailey Road, Patna - 800001.
9. Delhi Metro Rail Corporation Limited, through the Project Director, Address-Sai Corporate Park Vashishth, Adarsh Vihar Colony, Rukanpura, Patna, Bihar-Pin-800014
10. Project Director, Delhi Metro Rail Corporation Limited, Address-Sai corporate Park Vashishth, Adarsh Vihar Colony, Rukanpura, Patna, Bihar-Pin-800014
11. Director (Work) Project Patna Metro Rail Corporation Ltd, Indira Bhawan 7th floor, Bailey-road Patna - 800001



... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sumeet Kr. Singh, Advocate  
Mr. Kumar Vikram, Advocate  
Mr. Anmol Kumar, Advocate  
Ms. Abhilasha Kumari, Advocate  
For the Respondent/s : Mr. Standing Counsel (18)

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

3      27-07-2026                      Heard Mr. Sumeet Kr. Singh, learned counsel for the  
petitioners and the State.

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

*“I. for quashing the process of acquisition published in the daily newspaper "Hindustan" dated 23.10.2021 (Annexure-P/19) under Section-11(1) of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as "RFCTLARR ACT, 2013 for the sake of Brevity") which has been initiated under the signature of the District Magistrate, Patna with regard to 50.5950 acres of land bearing Mauja-Pahadi, Revenue PS-Patna City, Thana No.-14, and 25.35 acres of land and in Mauja-Ranipur, in Revenue P.S. Patna city, Thana No.- 19, Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land is tentative to be acquired vide under Project Patna Metro (Rail Depot Corporation); on the ground that the*



*notification dated 23.10.2021 is incorrect, the process is without following the Social Impact Assessment (herein after referred as " S.I.A. 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 S.I.A. 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/12); as the same is complete violation of section 4, 6 and 7 of the "RFCTLARR Act, 2013"; on the ground that no proper opportunity of hearing was given to the public at large as the entire process was conducted during the outbreak of COVID-19 second wave, the sample admittedly is of small size and there is no finding for alternative land despite of the objections raised by the affected families; there is no giving of 21 days' notice for public hearing as per Bihar Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 (herein after referred "Rules, 2014" for the sake of brevity);*

*III. That the present writ application is filed in the nature of Certiorari for quashing the formation of the Technical Expert Group under*



*Section-7 of RFCTLARR Ac., 2013 dated 23.06.2021 (Annexure-P/13) by which expert committee has been constituted; on the ground that the two members at serial no. 6 and 7 who have been added as two representatives of the Panchayat, Gram Sabha, Municipality, or Municipal Corporation as the case may be. It is pertinent to mention herein that the said members do not belong to the municipality under which the land is intended to be acquired of ward no.56;*

*IV. That the present writ application is filed in the nature of Certiorari for quashing the Technical Expert Report under Section-7 of RFCTLRRA, 2013 dated 30.06.2021 (Annexure-P/14) by which expert committee has submitted the report; on the ground that the section-7(2)(b) has been violated on the face of the record and in violation of the intention and objective of the RFCTLRRA, 2013;*

*V. That the present writ application is being filed in the nature of Certiorari for quashing the order dated 02.02.2022 (Annexure-P/19-A) passed by the District Land Acquisition Officer, Patna who has been pleased to dismiss the objection filed by the petitioner no. 5,6,9 under Section-11 of the Act; the order passed has not considered the objection filed by the petitioner no.5, 6, the objection has been summarily rejected, it is a non-speaking order; there is no consideration of the law as per the Act by the District Land*



*Acquisition Officer, Patna, there is no finding or opinion for alternative land, there is no reason assigned in the order;*

*VI. That the present Writ application is being filed in the nature of Certiorari for quashing the order dated 06.05.2012 (Annexure P/20) passed by the District Land Acquisition Officer, Patna by which the objection filed by the petitioner No.8, namely Ahilya Tiwari has been rejected on the ground that the objection has been rejected without assigning any reason contrary to section 15 of RFCTLARR Act 2013;*

*VII. That the present writ application is being filed in the nature of Certiorari for quashing the paper publication dated 06.05.2022 (Annexure-P/20) under Section-19 of the of the Right To Fair Compensation And Transparency in "RFCTLARR ACT, 2013" issued under the signature of District Magistrate, Patna with regard to 50.5950 acres of land bearing Mauja-Pahadi, Revenue PS- Patna City, Thana No.-14, and 25.35 acres of land and in Mauja-Ranipur, in Revenue PS Patna city, Thana No.- 19 Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land under Project Patna Metro (Rail Depot Corporation); on the ground that the notification dated 11.05.2022 is incorrect, the process is without following the SIA, 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, there is no proper disposal of the objection in term of section-15 of the RFCTLARR Act, 2013, there is no public hearing in terms of Rules, 2014 in the S.I.A. report;*

*VIII. That the present writ application is being filed in the nature of Certiorari for quashing the award prepared dated 04.08.2022 (Annexure-P/21 & P/21-A) issued under the signature of District Magistrate-Cum Collector, Patna Respondent No. 5 by which award in L.A. Case No. 29/2021-2022 and L.A. Case No.30 of 2021-2022 for Patna Metro Rail Depot Construction under Mauza-Pahari and Mauza-Ranipur respectively has been prepared under Thana No. 14 has been prepared and 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 law, the entire award under form IX as per the Rules, 2014 is incorrect, improper, illegal, there is no process followed under section-21 and 26 of the RFCTL/RR Act, 2013;*

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



3. The details of the lands stand recorded in paragraph nos. 4 to 12 as under:

*“the the land of the petitioner no. 1, Sunita Kumari is situated in Azimabad Circle, ward – 56, Property No. 2018445, Revenue Circle : 103, old Holding 1389;*

*petitioner no. 2, Radheshyam Kumar’s land is situated in Khata No. 402, Plot No. 4610, Thana No. 19, Mauja – Ranipur, Anchal – Patna Sadar;*

*petitioner nos. 3 and 4 namely Rajesh Pandit and Mahendra Kumar land is situted in Khata no. 462, Plot No. 4618, Mauja – Ranipur, Thana No. 1/19, Anchal-Patna Sadar, Area- 1 acre 64.5 decimal;*

*petitioner nos. 5 and 6 namely Surendra Prasad and Saraswati Devi land is situated at Mauja – Phari, Thana No. 14, Khata No. 462, 466, Plot No. 1672, 1673;*

*petitioner no. 7, namely Santosh Kumar Singh land is situated at Mauja – Pahari, Thana No. 14, Khata No. 180, 151, 357, Plot No. 1747, 1732, 1662 having an area of 75.2834 decimal.”*

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 petitioners land fall under North-South 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, 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.*

*2. 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 petitioners submit that it will suffice if they are 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 Counsel for the Bihar State Pollution



Control Board, learned counsel for the State as also learned counsel representing 'the Patna Metro' have 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)**

Adnan/-

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