

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17426 of 2022

1. Bijendra Kumar S/o- Doma Rajak Resident of Village- Chiraiyatad, P.O.- Fakharapur, P.S.- Arwal, Patna, Bihar- 804401.
2. Anil Kumar, S/o Janardhan Prasad Resident of Village- Sinduara, P.O.- Mahkar, P.S.- Chandi, District- Nalanda, Bihar- 803202.
3. Gita Kumari, W/o Bimlshwar Kumar Chanchal Resident of Village- Dharam Bigha, P.O.- Naima, P.S.- Telhada, District- Nalanda, Bihar- 801306.
4. Pallavi alias Pallavi Kumari, W/o Sujeet Kumar Resident of - 192, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna, Bihar, Presently residing at A/404, Kaladeep Apartment, B/H- Dhananjay Tower, 100 Feet Road, P.S.- Anandnagar, Ahmedabad City, Gujrat- 380015.
5. Surendra Kumar, S/o Ramavatar Prasad Yadav Resident of Village- Bari pahari, P.O.- Bari Pahadi, P.S.- Agamkuan, District- Patna, Bihar.
6. Jay Prakash Mahto, S/o Late Pokhan Mahto Resident of Village- Bari pahari, P.O.- Bari Pahadi, P.S.- Sampatchak, Gulzarbagh, District- Patna, Bihar.
7. Bijay Prasad, S/o Rameshwar Prasad Resident of House No.- 1056, Sector 6/D Bokaro Steel City, Haslata, District- Bokaro, State- Jharkhand.
8. Shakuntala Devi, W/o Bijay Prasad Resident of House No.- 1056, Sector 6/D Bokaro Steel City, Haslata, District- Bokaro, State- Jharkhand.
9. Shailesh Kumar Singh, S/o Kapildeo Prasad Resident of Village- Bhuapur, P.O.- Bhuapur, P.S.- Bhakhitiyarpur, District- Patna, Bihar.
10. Rajani Kumari, W/o Vikash Prasad R/o- Bajrangi Chowk, Jakariyapur, P.S.- Ramkrishna Nagar, District- Patna, Bihar.
11. Pinki Kumari, Wife of Janardhan Prasad Resident of Village- Near Shanti Market, 1074 Uma Traders, Mourya Vihar Colony, Kumhrar, P.S.- Agamkuan, District- Patna, Bihar.
12. Dharambeer Kumar, Son of Ramchandra Prasad Resident of Village- Kharajama, P.O.- Chandhari, P.S.- Islampur, District- Nalanda, Bihar.
13. Poonam Devi, Wife of Om Prakash Resident of Village- Barah, P.O.- Barah, P.S.- Harnaut, District- Nalanda, Bihar.
14. Satyadev Prasad Yadav, Son of Jagatpati Yadav Resident of Village- Boudh Bihar Colony, Naya Tola, Kumhrar, P.S.- Agamkuan, District- Patna, Bihar.
15. Rubi Kumari, Wife of Rupesh Kumar Presently Resident of SMQ- 224/01 Air Force Station, Arjangarh, Aya Ngar, P.S.- Mehrauli, South Delhi, Delhi- 110047.

... .. 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, Sadar, District- Patna.
8. Patna Municipal Corporation, through the Commissioner, District- Patna.
9. Commissioner, Patna Municipal Corporation, 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 the 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 Kumar Singh
For the Respondent/s	:	Mr. Yogendra Pd. Sinha (Aag7)
For PMC	:	Mr. Prasoon Sinha, Sr. Adv. Mr. Prabhat Kumar, Adv.
For PMRC	:	Mr. Mohit Agrawal, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2025 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 23.10.2021 (Annexure-P/28) under Section-11(1) of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as "RFCTLARRA, 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 PS - Patna city, Thana No.-19, Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land is acquired under Project Patna Metro Rail Depot Corporation for construction of rail depot yard; 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 "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/21); as the same is complete violation of section 4, 6 and 7 of the "RFCTLARRA, 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 i.e notice was given on 1.06.2021 and public hearing was done on 4.06.2021, the sample admittedly is of small size and there is no finding for alternative land despite of the objections raised by the affected families for 6 times in S.I.A; there is no giving of 21 days' notice for public hearing as per Rule-11(3) of the 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 RFCTLARRA, 2013 dated 23.06.2021 (Annexure-P/22) 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, the said members does not belong to the municipality under which the land is intended to be acquired of ward no.56 or belong being the representative of any municipality;

(iv) That the present writ application is filed in the nature of Certiorari for quashing the technical expert report under Section-7 of RFCTLRR Act, 2013 dated 30.06.2021 (Annexure-P/23) by which expert committee has submitted the report; on the ground that the section-7(2)(b) of the RFCTLRR Act, 2013 has been violated on the face of the record and in violation of the intention and objective of the RFCTLRR Act, 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/29) passed by the District Land Acquisition Officer, Patna who has been pleased to dismiss the objection filed by the petitioners except petitioner no.14 under section-15 of the Act; the order passed has not considered the objection filed by the petitioners, 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 27.01.2022 (Annexure-P/29-A) passed by the District Land Acquisition Officer, Patna who has been pleased to dismiss the objection filed by the Petitioner-14 under section-15 of the Act; the order passed has not considered the objection filed by the petitioners, 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;

(vii) That the present writ application is being filed in the nature of Certiorari for quashing the paper publication dated 11.05.2022(Annexure-P/30) under section-19 of the "RFCTLARRA, 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 P.S Patna city, Thana No.- 19, Circle-Patna Sadar, District-Patna and, altogether 75.96 acres of land; 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 RFCTLARRA,2013, there is no public hearing in terms of Rules, 2014 in the SIA report;

3. On 01.04.2024, one weeks' time was granted to remove the defect.

4. As the same was not removed and it being a peremptory order, the case stands dismissed on 08.04.2024.

5. Perused the file, consigned.

(Rajiv Roy, J)

Vijay Singh/-

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