

(2014) 01 PAT CK 0109

In the Patna High Court

Case No : LPA No. 342 of 2012 in CWJC No. 19302 of 2011 and I.A. No. 9198 of 2013

Rameshwar Rai

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 07-01-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 3 PLJR 444

Hon'ble Judges : Rekha M. Doshit, C.J; Ashwani Kumar Singh, J

Bench : Division Bench

Advocate : Naresh Chandra Verma and Natraj Verma, Advocate for the Appellant; Rakesh Prabhat, Advocate for the Respondent

Judgement

1. This appeal under Clause 10 of the Letters Patent arises from the order dated 22.11.2011 made by the learned Single Judge in CWJC No. 19302 of 2011. The appellants-writ petitioners had approached this Court under Article 226 of the Constitution of India in above CWJC No. 19302 of 2011 with a prayer that their land situated at Village-Amer under Bidupur Anchal, in the District of Vaishali, acquired for the purposes of construction of a road connecting the village to the National Highway, be deacquisitioned. It is evident that no mandamus can be issued to deacquisition the acquired lands. Learned advocate Mr. Naresh Chandra Verma appears for the appellants. He submits that the land in question is the only land available to the appellants and they have constructed residential house on the land in question.

2. Be that as it may, once the lands are acquired after following due process, the question of issuance of mandamus by this Court for deacquisition does not arise. The appellants may well be advised to claim compensation for the land acquired for construction of road, without further delay.

3. The learned Single Judge has rightly dismissed the Writ Petition. No case for interference is made out. The appeal is dismissed in limine. Interlocutory

Application stands disposed of.