

(2020) 02 PAT CK 0088

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 483 Of 2020

Shiv Pujan Mehta And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 25-02-2020

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Re-Settlement Act, 2013 — Section 11(1), 15(1)

Citation : (2020) 02 PAT CK 0088

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Raghib Ahsan, Bipin Kumar, Mukul Prasad

Final Decision : Dismissed

Judgement

1. Heard Mr. Raghib Ahsan, learned senior counsel along with Mr. Bipin Kumar, learned counsel for the petitioners and Mr. Mukula Prasad, learned

AC to GP 18 for the State.

2. The petitioners have moved the Court for the following reliefs:-

â??a) To quash the order dated 04.09.2019 passed by the Respondent Collector whereby the objection raised under Section 15(1) of the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as

the Act) whereby the lands held by the petitioners have been acquired for the purpose of civil aviation situated contiguous to sough of

Military Aerodrome, Purnea, has been rejected without even mentioning the nature of the object.

b) During pendency of this writ petition the respondents be restrained from dispossessing the petitioners from their lands.â??

3. Though a counter affidavit has been filed on behalf of respondent no. 2 but the main issues have not been answered.

4. At the very outset, learned counsel for the petitioners drew attention of the Court to judgment dated 18.02.2020 passed in CWJC No. 24341 of 2019

in Vijay Mehta @ Bijal Mehta and Ors. vs. The State of Bihar and Anr. It was submitted that the present case is identical to the aforesaid writ

petition in which the Court had set aside the order dated 04.09.2019 passed by the Collector, Purnea rejecting the objections filed by the petitioners.

5. Learned counsel for the State does not dispute that the petitioners in the present writ petition are identically situated to the petitioners of CWJC No.

24341 of 2019 in which, the order dated 04.09.2019 passed by the Collector, Purnea rejecting the objections filed by the petitioners, were set aside.

6. Having regard to the aforesaid, the present writ application stands allowed adopting the discussions and reasonings in order dated 18.02.2020

passed in CWJC No. 24341 of 2019, in identical terms. The rejection of the objections filed by the petitioners before the Collector dated 04.09.2019,

are set aside.

7. As a consequence, it is held that possession of the lands of the petitioners cannot be taken over by the authorities till the time the procedure in

accordance with the provisions of the Act and the Rules is complied with, in letter and spirit, moreso in view of them not having taken any

compensation amount.

8. However, before parting the Court would only observe that the authorities are at liberty to proceed from the stage of hearing the objections filed by

the petitioners, by the Competent Authority. For the said purpose, fresh notices shall be issued to the petitioners fixing the date of hearing and after

complying with the procedure prescribed under the Act and Rules the matter shall be taken to its logical conclusion.

9. It is further clarified that the Court has not set aside or interfered with the initial notification under Section 11 (1) of the Act and only the subsequent

rejection of the objections in the manner, as discussed above, has been held to be unsustainable.