

(2022) 03 PAT CK 0017

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 22386 Of 2019

Shreekant Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 09-03-2022

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 15(1)

Citation : (2022) 03 PAT CK 0017

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Raghiv Ahsan, Bipin Kumar, Lalit Kishore, Md. Khurshid Alam

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties. Petitioners have prayed for following reliefs:-

a) To quash the order dated 11.09.2019 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 Resettlement 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 South 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."

Learned counsel for the parties have no objection to the matter being heard by this Bench. They consent for the same being heard today.

Sri Raghiv Ahsan, learned Senior counsel, invites our attention to a decision rendered by the learned Single Judge of this Court rendered vide order dated

18.02.2020 passed in CWJC No.24341 of 2019 titled as Vijay Mehta @ Bijal Mehta and Ors. Versus the State of Bihar and another, dealing with the very same issue, subject matter of the present lis.

It is prayed that the present petition be also disposed of in terms thereof.

Learned Advocate General states that the State would have no objection to the petition being disposed of in terms of the said order but, however, direction be issued to the parties to fully co-operate in the adjudicatory process, with a further direction of early completion of such proceeding.

We notice that in Vijay Mehta (Supra), the petition was disposed of with the direction to the competent authority under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 to decide the objection petitions afresh, in accordance with law. Order similar to the one impugned herein, rejecting such an objection petition was quashed and set aside.

We are informed that in the said case, pursuant to the order of remand, the competent authority, after due approval, has completed the acquisition proceedings.

We are of the view that similar approach needs to be adopted in the present case, inasmuch as it is the case of the petitioners that even their objection petition was disposed of without dealing with the issues raised therein.

We notice that acquisition proceedings relate to expansion of the airport at Purnia. The proceeding commenced in the year 2013, for one reason or the other, be it on account of pendency of the present petition or the interim orders passed therein, the project stands inordinately delayed.

There is no doubt that in law, petitioners have a right to receive compensation which is just, fair and reasonable but it is also the duty of the State to ensure that projects of vital importance are not held up only on account of passing of interim orders by various courts. Yes, Courts cannot be obstructionist in any developmental activity, but then the State also has to be vigilant. When an identical matter stood decided in February, 2020 itself, application for hearing and disposal of the instant petition, on similar lines could have been filed. It was not done so. Order of interim injunction was never sought to be modified.

We notice that the development of airport at Purina is necessarily required in national interest for in the war of 1962, the aerodrome at that place was utilized to its optimum utility.

As such, as jointly prayed for, we quash and set aside the order dated 11.09.2019 passed by the Collector/Land Acquisition Officer, rejecting the petitioners' objection petition (Annexure-1).

Further direction is issued to the petitioners to make themselves available in the office of respondent no.2, namely, the Collector, Purnea on 14.03.2022 on which

date, the parties shall place on record not only a copy of this order, but also any material which they seek to rely upon. If the authorized authority to adjudicate the petition is some other person then the Collector shall ensure compliance of direction.

We direct respondent no. 2, namely, the District Magistrate, Purnia to either himself or ensure the authorized person to conclude the proceedings positively within a period of 45 days, unless, of course, the law mandates it to be done otherwise. Any which way, it must be completed within the prescribed time limit.

We also direct the Chief Secretary, Government of Bihar to ensure that all appropriate sanctions and approvals, if so required, are accorded within a time bound period. Learned Advocate General states that the order shall be communicated.

Needles to add, petitioners have a right to receive compensation which is just, fair and reasonable in terms of the decision rendered by Hon'ble the Apex Court in Indore

Development Authority versus Manoharlal and others, reported in (2020) 8 SCC 129.

Sri Raghiv Ahsan, learned Senior counsel, states that the petitioners shall fully co-operate and, if so asked, even prior to the completion of the proceeding, subject to the outcome of the adjudicatory process, even hand over vacant and peaceful possession of the land, should the need so arise for early completion of the project. We fully acknowledge such a gesture and appreciate the stand, which undoubtedly is in national interest.

Liberty reserved to anyone of the parties to approach the Court for reviving the instant petition, should the need so arise.

Petition stands disposed of in the aforesaid terms.

Interim order vacated.

Interlocutory Application(s), if any, stands disposed of.