IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.309 of 2024
In
Civil Writ Jurisdiction Case No.13918 of 2014

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Director Land Acquisition, Bihar, Patna, Collectoriat, Patna.
4. The District Magistrate, Patna Collectorate, Patna.
5. The Land Acquisition Officer, Patna Collectoriat, Patna.

... ... Appellant/s

Versus

Mrs. Meira Kumar Wife of Mr. Manjul Kumar and Daughter of late Smt. Indrani Devi and Honble Jagjivan Ram, Former Deputy Prime Minister of India, Government of India, Presently residing at D- 1029 New Friends Colony, P.O. and P.S. New Friends Colony, New Delhi- 110025.

... ... Respondent/s

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Appearance :

For the Appellant/s : Mr. P.K. Shahi, AG
Mr. Kunal Tiwary, A.C. to G.A. 2

For the Respondent/s : Mr. Sarvendra Kumar Verma, Sr. Advocate
Mr. Jai Vardhan Narayan, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 03-03-2025

We have heard Mr. P.K. Shahi, the learned Advocate General for the appellants/State and Mr. Sarvendra Kumar Verma, the learned Senior Advocate for the respondent.

2. By the impugned judgment dated 21.12.2023 passed in C.W.J.C. No. 13918 of 2014, the

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learned Single Judge has held that the respondent is entitled to be paid compensation for the lands acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.

3. The mother of the respondent came in possession of the land in question by way of a sale-deed executed by one Satyadeo Prasad, who was the purchaser of the original land. In fact, the ex-landlord, way back in the year 1941, had settled the land in question in favour of someone and, thereafter, it was sold to different parties at different times and, ultimately, in 1965, the land in question came in possession of the mother of the respondent.

4. In 1985 only, the Collector, Patna had cancelled the *zamabandi* running in the name of the mother of the respondent on the ground that the land in question was recorded as *gairmajarua aam* land.

5. The afore-noted order of the Collector was

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set aside by the High Court, holding that such long *zamabandi* could not have been cancelled without initiating a proceeding under Section 4(h) of the Bihar Land Reforms Act, 1950 (in short the Act of 1950). Thereafter, in 2013, a notice was issued under Section 4(h) of the Act of 1950, which was set aside in the first instance and later, another notice was withdrawn.

6. In LPA No. 601 of 2015, however, a Division Bench of this Court permitted the Collector to continue with the proceedings under Section 4(h) of the Act of 1950.

7. It appears that proceedings under Section 4(h) of the Act of 1950 was concluded on 12.04.2023, holding the land in question to be a *gairmajarua aam* land, which has yet not been challenged. This fact was not taken into account by the learned Single Judge while disposing off the writ petition seeking compensation under the provisions of 2013 Act.

8. Considering this aspect of the matter, we

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only deem it appropriate to relegate the case to the learned Single Judge to revisit the judgment, referred to above.

9. Let the records of C.W.J.C. No. 13918 of 2014 be placed before the learned Single Judge in the week after the holi holidays, preferably on 20th of March, 2025.

10. In the meantime, the operation of the judgment shall remain stayed.

11. The present appeal stands disposed off accordingly.

12. Interlocutory application/s, if any, also stand disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Praveen-II-

AFR/NAFR	NAFR
CAV DATE	NA
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