

IN THE HIGH COURT OF JUDICATURE AT PATNA

Girish Kedia and others.

vs.

The State of Bihar and others.

Criminal Writ Jurisdiction Case No. 6863 of 2018

with

(Criminal Writ Jurisdiction Case No. 15091 of 2017; Criminal Writ Jurisdiction Case No. 6345 of 2018; Criminal Writ Jurisdiction Case No. 7943 of 2018; Criminal Writ Jurisdiction Case No. 8046 of 2018; Criminal Writ Jurisdiction Case No. 8052 of 2018; Criminal Writ Jurisdiction Case No. 8360 of 2018; Criminal Writ Jurisdiction Case No. 8700 of 2018; Criminal Writ Jurisdiction Case No. 10255 of 2018; Criminal Writ Jurisdiction Case No. 11474 of 2018; Criminal Writ Jurisdiction Case No. 11697 of 2018)

29.11.2024

(Hon'ble Mr. Justice Harish Kumar)

Issue for Consideration

- Whether the Collector has the jurisdiction to reopen land acquisition proceedings after compensation has been paid and the land handed over?
- Whether the freezing of petitioners' bank accounts by the Land Acquisition Officer is legally valid under the Act, 2013?
- Whether disputes concerning land classification post-compensation fall within the jurisdiction of the Land Acquisition, Rehabilitation and Resettlement Authority?

Headnotes

Administrative decision which is not based on a dispute between the two parties and which is not rendered after hearing the parties, does not operate as *res judicata*. (Para 39)

unjust, all the more, the Government is entitled to review an administrative decision, if the same is unjust and contrary to law; that too, in the case in hand, when the process of acquisition is yet to be finalized by preparation and approval of the award under Section 37 of the Act, 2013. (Para 42)

Court does not find that it is a case where the Collector has reviewed his order; on the contrary, the process has never been completed inasmuch as award has never been prepared and approved. The compensation paid to the petitioners were only based upon estimation; Later on having apprised and acquainted with the mistake committed by the Land Acquisition Officer and the other responsible authorities, the same has been rectified by constituting a Six Men Committee and action has been taken against the erring officials. (Para 43)

Court does not find any merit in this batch of the writ petitions.
(Para 51)

Case Law Cited

Kalabharti Advertising v. Hemant Vimalnath Narichania & Ors., (2010) 9 SCC 437; Bankatlal v. Special Land Acquisition Officer, (2014) 15 SCC 116; N. Padmamma v. S. Ramakrishna Reddy & Ors., (2008) 15 SCC 517; State of Jharkhand v. Ambay Cements & Anr., (2005) 1 SCC 368; Union of India v. Bikash Kuanar, (2006) 8 SCC 192; Rai Sahib Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549; J & K Public Service Commission v. Narinder Mohan, (1994) 2 SCC 630; Dhan Jee Pandey v. Union of India & Ors., 2023 (3) PLJR 773

List of Acts

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Public Demand Recovery Act, 1914; Indian Stamp Act, 1899; National Highway Authority Act, 1956

List of Keywords

Land Acquisition; Emergency Provision; Compensation Dis

