

**State of Bihar and ors. Vs. Sharda Devi**

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**SooperKanoon Citation :** [sooperkanoon.com/521758](http://sooperkanoon.com/521758)

**Court :** Jharkhand

**Decided On :** Aug-28-2007

**Reported in :** [2009(1)JCR704(Jhr)]

**Judge :** M.Y. Eqbal and; D.G.R. Patnaik, JJ.

**Appellant :** State of Bihar and ors.

**Respondent :** Sharda Devi

**Disposition :** Appeal dismissed

**Judgement :**

ORDER

1. Since in these two appeals common questions of facts are involved, they have been heard together and are being disposed of by this common order.

2. The appellant State preferred these appeals against the judgments and orders dated 9.7.1998 and 20.7.1998 passed by a learned Single Judge in CWJC No. 1601 of 1987 (R) and CWJC 1421 of 1988 (R) respectively. In these two writ applications, the respondent challenged the correctness and validity of the order passed by the Collector whereby he sought to initiate proceedings for cancellation of the jamabandi in purported exercise of powers under Section 4(h) of the Bihar Land Reforms Act on the ground, inter alio, that the land belonged to the State of Bihar. It appears that simultaneously the lands in question along with other lands purported to be acquired under the Land Acquisition Act, Notification under

Section 4 of the Act was issued in the name of the respondent. That land acquisition proceedings ended in passing of an award in favour of the respondent. Respondent raised objection under 18 of the Land Acquisition Act, whereas the State also raised objection under Section 30 of the Land Acquisition Act. Consequently, the matter was referred to the Land Acquisition Judge. The said land acquisition proceeding ultimately reached the Supreme Court. Section 18 matter was decided by the Supreme Court by the decision reported in : [2002]2SCR404 , whereas Section 30 matter was decided by the Supreme Court by the decision reported in : [2003]1SCR73 . The Apex Court ultimately decided the matter under Section 30 of the Act in favour of the respondent.

3. Mr. Manjul Prasad, learned Counsel appearing on behalf of the State very fairly submitted that in view of the aforesaid two judgments rendered by the Supreme Court in favour of the respondent holding that the respondent acquired right, title and interest over the property in question, these two appeals have become infructuous.

4. Having regard to the fair concession made by Mr. Manjul Prasad, learned Counsel for the State, these two appeals are dismissed as infructuous.

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