

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2749 of 2015

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1. Harendra Mahto Son of Late Baun Mahto, Resident of Village- Chapar (Jorawar), P.S.- Mohiuddin Nagar, District- Samastipur
 2. Shivajee Singh, Son of Late Devendra Singh
 3. Nand Kumar Singh, Son of Late Rama Nand Singh
 4. Kapil Deo Singh Son of Late Nathuni Singh
 5. Paramhansh Singh Son of Late Ram Kishun Singh
 6. Ram Naresh Singh son of Late Jyoti Singh
 7. Chandra Shekhar Singh son of late Ramanand Singh
 8. Rajdev Singh Son of Late Agindeev Singh
 9. Surendra Singh Son of Late Ram Naresh Singh
 10. Arbind Singh Son of late Ramchandra Singh
 11. Bisheshwar Sah Son of Late Jamun Sah, All Sl. 2 to 11 are resident of village- Chapar (Jorawar), P.S.- Mohiuddin Nagar, District- Samastipur
 12. Maya Devi wife of Shri Arun Kumar Singh
 13. Sumitra Devi wife of Sri Paramhansh Singh
 14. Neelam Singh wife of Late Ranvijay Singh
 15. Shail Devi wife of Late Akhilesh Singh All (Sl. No. 12 to 15) resident of Village- Harail, P.S.- Mohiuddin Nagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary-cum-Commissioner, null Department of Revenue and Land Reforms Bihar, Patna
3. The Director, Land Acquisition, Department of Revenue and Land Reforms, Government of Bihar, Patna
4. The District Magistrate, Samastipur
5. The District Land Acquisition Officer, Samastipur
6. The Deputy Collector (Refund), District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kashyap

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 04-08-2015

Heard the parties.

The petitioners, 15 in numbers, have filed the present writ petition under Article 226 of the Constitution of India for the reliefs enumerated in paragraph-1 of the writ petition, which reads as follows:

“1. That the instant writ petition is being

preferred for following reliefs:

(i) For issuance of a writ in the nature of mandamus directing the respondents authorities to make payment of compensation to the petitioners for the land acquired appertaining to Mauza- Harail in different Khata Nos. , Plot khesra nos. 725, 726, 727, 961, 960, 959, 958, 957, 956, 953, 955, 954, 950, 952, 951, 949, 904, 925, 923, 922, 918, 908, 909, 912, 911, 913, 914, 915, 1796, 1797, 1799, 1803, 1802, 1801, 1811, 1810, 1809, 1808, 1812, 1820, 1821, 1825 and 1822, measuring an area 0.98 Acres, situated at village- Chapar (Jorawar) Block- Mohiuddin Nagar District Samastipur, recorded in the name of petitioners' ancestors for widening/ construction of Approach Road i.e. Middle School Harail to Ram Bali Sah and House of Ranjeet Kumar and to rehabilitate the petitioners in terms of Bihar Land Acquisition and Rehabilitation policy, 2007 as contained in Memo no. 15/DLA/Policy (Rehabilitation) 07/06-395 dated 19.09.2007, to earn his livelihood.

(ii) For issuance of a writ in the nature of mandamus directing the respondents to prepare/ modify the Award in terms of the Bihar Land Acquisition and Rehabilitation Policy, 2007 and Land Acquisition Act.

(iii) For issuance of appropriate writ(s) including writ in the nature of mandamus commanding the respondents to pay compensation with interest the petitioner after proper appointment of his respective shares of compensation at the prevailing market value of the land alongwith damage value of the crops over the proposed land to be acquired.

(iv) For grant any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

In compliance of the order dated 13.02.2015 read with order dated 20.07.2015 passed by this Court, a counter-affidavit has been filed on behalf of the respondent no. 4 and 5 wherein it has been stated in paragraphs- 7, 8 and 9 that Land Acquisition Case No. 02 of 2007-08 was started by the competent authority for



acquisition of the land in question and subsequently award was prepared on 11.08.2009. Despite issuance of notice to the petitioners they did not turn up to receive the compensation amount. Therefore, the compensation amount was deposited in the treasury vide Chalan No. 056 dated 23.07.2010 and Chalan No. C/t 055 dated 23.07.2010 for an amount of Rs.9, 52,659/- and for an amount of Rs.3,41,413/-. Copies of the aforesaid chalans have been brought on record as Annexure-A to the counter-affidavit. It has been further stated in the aforesaid counter-affidavit that if the petitioners appear along with the relevant documents, the compensation amount shall be paid to them in the light of the award prepared in the aforesaid land acquisition case.

In view of the averments made in the aforesaid counter-affidavit, learned counsel appearing on behalf of the petitioners submits that the petitioners shall appear within a period of one month from today with a certified copy of the present order along with their relevant documents/ papers regarding lands in question before the respondent District Land Acquisition Officer, Samastipur.

Learned A.C. to learned Advocate General appearing on behalf of the respondents submits that on appearance of the petitioners with relevant documents before the respondent District Land Acquisition Officer, Samastipur within the aforesaid period of one month, after verifying the records the compensation amount shall be paid to the petitioners within a maximum period of 15 days from the date of their appearance.

In view of the fair stand taken by the learned counsel appearing on behalf of the parties, the petitioners are directed to appear before the respondent District Land Acquisition Officer,

Samastipur within a period of one month from today with a certified copy of the present order, whereafter the respondent District Land Acquisition Officer, Samastipur on verification of the relevant records/documents shall make payment of the compensation amount to the petitioners to the extent admissible to them individually/ collectively for which award was prepared.

It is clarified that if the present order is not carried out in its true spirit by the competent authority, and if the matter is brought to the notice of this Court, then serious view shall be taken against the defaulting authority/ authorities.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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