

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.970 of 2015

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1. Kalyan Kumar Singh son of Late Jaminikant Singh, resident of Village: Sikandarpur, P.O: Shyam Bazar, Police Station : Bausi, District: Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department , Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Divisional Forest Officer, Banka Forest Division, Banka.
5. Range Officer, Bounsi Range, Banka.
6. The Forest Officer, Bounsi, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.
For the Respondent/s : Mr. Rajiv Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 30-03-2015 Heard Mr. Birendra Kumar Singh, learned counsel for the petitioner and Mr. Rajiv Roy, G.P.5 for the State.

The petitioner has prayed for grant of compensation of Rs. 92,59,416/- on grounds of illegal seizure of his J.C.B. machine bearing registration No. JH-01P-6998, Mode No. 851 years 2006 M/CH No. R0908 Serial No. Engine ST 4400048, Chasis No. R06E-00908.

Perusal of the proceedings manifests that this petitioner has earlier moved this Court in Cr.W.J.C. No. 899 of 2011 praying for release of his J.C.B. machine and had also filed an interlocutory application bearing I.A.No. 1325 of 2012 praying for payment of

compensation, damages and loss. The order of the writ Court whereby the criminal writ had been disposed of is placed at Annexure-5 and in so far as the prayer of the petitioner to the claim for payment of compensation and damages is concerned, the observation of the Court is as follows:-

“So far as the prayer made in interlocutory application is concerned, in my view, this Court in its writ jurisdiction cannot go into investigation of facts. I also find that under the writ jurisdiction it would not be appropriate to adjudicate any claim for damages or compensation as claimed by the petitioners. The petitioners, if so advised, are at liberty to agitate for such claim in an appropriate proceeding in accordance with law.”

Despite the plea of compensation having been raised before this Court in earlier round of proceedings and having been negated, the petitioner is again before this Court.

The writ petition besides being barred on the principles of resjudicata is thoroughly misconceived and is accordingly dismissed.

(Jyoti Saran, J)

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