

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12953 of 2011

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Lal Bahadur Singh S/O Late Haribans Narayan Singh R/O Viill.-
Bhagwanpur Kamla, P.S.-Ujiarpur, Distt.-Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Sub Divisional Magistrate, Dalsingsarai, Samastipur.
5. The Deputy Superintendent of Police, Samastipur.
6. The S.H.O. Ujiarpur, P.S. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Respondent/s : Mr. Anil Kr Uapdhyay SC-20

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 26-11-2015 Heard Mr. Bindhyachal Singh for the petitioner
and Mr. Upadhyay SC 20 for the State.

The petitioner claims to have the subject land on
the strength of public auction made under the authority of
the civil court in M.R. No. 192 of 2003. Such settlement
was made for one year.

The grievance of the petitioner is that having
obtained the settlement, he was not allowed to enjoy the
usufruct thereof owing to litigation and hence the present
writ application seeking a direction for payment of



suitable compensation to him. It has been contended that the land settled by way of auction for a period of one year in favour of the petitioner is not in dispute. There was serious obstacle/impediment by the parties to the suit which prevented him from enjoying the usufruct of the land. The actual loss caused to the petitioner on account of disabling him from utilizing the usufructuary right is a question which requires to be enquired into by the authority for payment of adequate compensation.

Counsel for the State has however submitted that in a writ proceeding the Court may find it difficult to ascertain the actual loss and to grant relief.

Having appreciated the rival submissions, in my view, the petitioner should be granted liberty to agitate his claim before the appropriate authority/forum. Let the petitioner raise a grievance in this regard before the competent/appropriate authority for making appropriate enquiry and pass an order for payment of compensation in favour of the petitioner for the loss, if any, suffered by him.

The writ application is disposed of with the aforesaid observation/direction.

Be it noted that Mr. Bindhyachal Singh counsel for the petitioner has taken a stand before this Court that appropriate authority in the case will be District Magistrate before whom he will make an application for an expeditious decision/disposal.

(Kishore Kumar Mandal, J)

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