

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16193 of 2011

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Chandrika Rai son of Late Gopal Rai, Resident of village – Gangajal Tola,
P.S. – Sonapur, District – Saran.

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, District – Vaishali.
2. The Divisional Railway Manager, Sonapur Rail Division, Sonapur, District Saran.
3. The Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna.
4. The Deputy Chief Engineer (Construction), Ganga Rail-cum-Road Bridge Setu, East Central Railway, Digha, Patna.
5. The State of Bihar through the District Magistrate, Saran, Chapra.
6. The District Land Acquisition Officer, Saran, Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

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

Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 07-07-2015 Heard Sri Awadhesh Kumar Singh, learned counsel for the petitioner, learned A.C. to learned Advocate General as well as Sri Mahesh Prasad, learned counsel, who has appeared on behalf of respondent/East Central Railway.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to pay the compensation amount for the use of his land. In this case, in special circumstances, the land of the petitioner was acquired for a fixed period of three years on certain compensation amount.

Learned counsel for the petitioner submits that instead of paying compensation to the petitioner, the compensation amount was issued in favour of a different person.

In this case, a counter affidavit has been filed on behalf of State, wherein, it has been indicated that after noticing the error, whereby compensation amount was paid to another person, steps were taken to recover the amount, which has been recovered and thereafter, the cheque was prepared in the name of petitioner and the petitioner was noticed to collect the cheque.

Keeping in view the fact that respondent/State has already accepted regarding preparation of cheque in respect of compensation amount to the petitioner, the Court is of the opinion that writ petition can be disposed of with a direction to respondent no. 6/District Land Acquisition Officer, Saran, Chapra to hand over the cheque of compensation amount to the petitioner, if the petitioner personally appears before him within a period of two weeks from today.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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