

11111111`IN THE HIGH COURT OF JUDICATURE AT
PATNA

Civil Writ Jurisdiction Case No.21889 of 2014

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1. Arun Kumar Mishra @ Arun Kumar Mishra son of Late Chiranjivi Mishra

2. Vijay Kumar Mishra @ Bijay Kumar Mishra son of Late Chiranjivi Mishra,

Both resident of village - Milki, P.S. Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna

2. The Principal Secretary, Land Acquisition Department, Govt. of Bihar, Patna

3. The Secretary, Public Grievances Cell, Cabinet Secretariat Department, Bihar, Patna

4. The District Magistrate, Bhagalpur

5. The Additional Collector, Bhagalpur

6. The District Land Acquisition Officer, Bhagalpur

7. The Incharge officer, Public Grievances Cell - cum - Senior Deputy Collector, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate

Mr.Sharwan Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-08-2015

Heard the parties.

2. The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for making payment of amount of award prepared in the light of the judgment and order dated 13.01.2009 passed by the learned Land Acquisition Judge, Bhagalpur in Land Acquisition Reference Case No. 247 of 1980 arising out of Land Acquisition Case No. 8 of 1977-78 (Annexure-1).

3. The grievance of the petitioners is that in the light of the aforesaid judgment and order, modified award was prepared which has been brought on record as part of Annexure-1 to the

writ petition and the petitioners are held to be entitled to receive Rs.3,98,252 and 58 paise, but till date the aforesaid amount has not been paid to the petitioners despite several representations made by them to the respondent District Collector, Bhagalpur.

4. In the light of the order dated 27.01.2015 passed by a Bench of this Court, a counter affidavit on behalf of the respondent nos. 4, 5 and 6 is being filed by the learned State counsel during the course of hearing of the case, which is taken on the record. In the aforesaid counter affidavit, the claim raised on behalf of the petitioners has not been disputed, but it has stated that the fund has not been released by the Department of Disaster Management, Bihar, Patna, therefore the amount could not be paid to the petitioners. It has further been stated in paragraph 7 of the counter affidavit that on release of the fund, the petitioners shall be paid the award amount with up-to-date interest till the date of actual payment.

5. Learned AC to learned Advocate General, appearing on behalf of the respondents submits that for release of the fund communication has been made to the Principal Secretary, Department of Disaster Management, Bihar, Patna and fund is likely to be made available in near future. He next submitted that within a period of four weeks, entire admissible dues of the petitioners shall be paid to them.

6. In view of aforesaid fair stand taken by the learned State counsel, the present writ petition is disposed of with a direction to the respondents, particularly, respondent nos. 4 to 6 as also the Principal Secretary, Department of Disaster Management, Govt. of Bihar, Patna to make payment of entire admissible dues of the petitioners on account of aforesaid award

prepared in Land Acquisition Reference Case No. 247 of 1980 with interest till the date of actual payment, at an early date preferably within a period of four weeks as has been submitted by the learned State counsel, but in no case beyond the period of six weeks from today. If the amount is not paid to the petitioners within the aforesaid period of time and the matter is brought to the notice of this court, then serious view shall be taken against the concerned authorities.

7. The learned State counsel shall communicate this order to all the concerned Officers, so that order is complied with in its letter and spirit.

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

(Birendra Prasad Verma, J)

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