

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1021 of 2015

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1. Chandra Mohan Mishra Son of Late Bashishtha Mishra resident of village - Basauli, P.S. Rahika, P.O. Basauli, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Darbhanga
3. The Collector, Madhubani
4. The District Land Acquisition Officer, Madhubani
5. The Special Land Acquisition officer, Koshi Project, Darbhanga
6. The Circle Officer, Rahika, Madhubani
7. Bhogendra Mishra Son of Late Raghubanshi Mishra resident of village - Basauli, P.O. Basauli, P.S. Rahika, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 19-02-2015

Heard Counsel for the petitioner. Nobody has appeared on behalf of the State respondents.

The petitioner was paid in excess conditionally the compensation amount. An objection was filed by the other claimants. On consideration thereof, the petitioner was found to have received a sum of Rs. 1,06,722/- in excess in respect of the 0.14 decimals of land which belonged to the other claimants. He was called upon by diverse notices to refund the said amount with interest. Responding thereto, the petitioner deposited a sum of Rs. 50,000/-vide Annexure-6 and undertook to deposit the remaining amount with interest. Since he defaulted in doing so, the respondent initiated a certificate proceeding

vide Certificate Case No. 2/2013-14 against the petitioner in which bailable warrant has been issued on 26.7.2013. Counsel for the petitioner has undertaken before this Court to deposit the remaining amount (Rs. 56,722/-) within interest within three months.

Having considered the submission of the petitioner, this Court disposes of the application by permitting him to pay the amount as determined and demanded by the respondents which shall of course be subject to the result of final adjudication of the claim/counter claim of the parties, if any. No sooner the petitioner deposits 40 % of the principal amount as disclosed in the notice (Annexure-6) i.e. Rs. 56,772/-, the coercive steps in the pending certificate proceeding being Certificate Case No. 2/2013-14 shall remain stayed. It will then be open to the petitioner to file objection in the said proceeding and contest the same in accordance with law.

(Kishore Kumar Mandal, J)

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