**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Miscellaneous Jurisdiction Case No.412 of 2015**
**IN**
**Civil Writ Jurisdiction Case No. 13294 of 2012**

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1. Licchavi Foundation Through Its Managing Trustee Ashutosh Chandra Son of Sri Suresh Chandra Prasad Sinha Resident of Village- Dighi, Kalan, Police station - Hajipur Sadar, District- Hajipur at Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Competent Authority-cum-the District land Acquisition officer, District- Vaishali, Bihar Namely Niranjan kumar Jha

.... .... Opp.Parties.

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**Appearance :**
For the Petitioner/s : Mr. Madhukar Pandey
For the Opp.Parties : Mr. Mritunjay Kr. AC to AAG-10

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**
ORAL JUDGMENT
**Date: 30-09-2015**

Heard the counsel for the petitioner and Mr. Mritunjay Kumar AC to AAG-10 appearing for the opposite parties.

The contempt application alleges wilful /deliberate disregard/disobedience of the order dated 02.05.2014 passed in CWJC No. 13294 of 2012 whereby this Court while setting aside the award prepared in case no. 01 of 2009-10 directed the respondents to consider the objection to be filed by the petitioner before the respondent Land Acquisition Officer and determine afresh the compensation amount payable to the petitioner for the subject land in accordance with law and the observations made in the order.

A show cause has been filed on behalf of the opposite party nos. 1 and 2 stating therein that in the light of the order of this Court the amount of compensation payable to the petitioner was re-

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determined and a sum of Rs. 15,06,973.00/- was found payable to the petitioner. After deduction of the income tax payable thereagainst the rest amount has already been credited in the account of the petitioner. This Court in view of the statement made and reflected from the Annexure B called upon the opposite parties to file further affidavit and clarify the facts. A supplementary show cause on behalf of the opposite party no.2 has been filed wherein it has been stated that on consideration of the objection and computation of the compensation amount in the light of the order of this Court a total amount of Rs. 15,06,973.00/- found payable to the petitioner. Over the said amount of compensation, the respondents also added 20% of the value of the land towards establishment cost and Rs. 7,535.00/-, i.e. 0.5% of the value of the land towards contingency charge which the respondent agency being State Government is entitled to receive from requisitioning authority. The writ petitioner was actually entitled to the payment of the amount in the sum of Rs. 15 lacs and odd after deducting the TDS for the land acquired by the respondent in addition to Rs. 96,000/- and odd for the boundary wall constructed by the petitioner over the land which had already been paid by way of crediting the same in the saving account of the petitioner. Counsel for the petitioner has, however, submitted although income tax deduction have been made by the opposite parties but the appropriate form through which such deductions were made have not been made available to the petitioner. The 20% and 0.5% of the actual compensation amount computed by the respondents have been added in the award ought to have been paid to the petitioner. The position, in view of the supplementary show cause, has clearly been clarified. However, any such dispute would not be gone into in contempt jurisdiction of this Court. If the petitioner has any reason to question the correctness of the computation, it will be open to him to ventilate the said grievance before the appropriate forum/authority in accordance with law. This Court would also record that the counsel for the State has taken a stand that the relevant form through which deductions of income tax were made shall be dispatched to the petitioner, if not already received/dispatched, within ten days through mail.

Considering the above, in my view, the contempt application does not merit further persuasion. It is, accordingly, dismissed.

**(Kishore Kumar Mandal, J)**

Shyam/-

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