

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3907 of 2011

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Md. Gufran Alam, S/o Late Salim Uddin, Village-Belwa Tapu Tola, P.S.-
Town Araria, Distt-Araria (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. M Sarwanan, the District Magistrate, Araria, District-Araria
3. Ravindra Ram, the Competent Officer cum Acquisition Officer, District
Land Araria, Collectorate, Araria
4. Shri Puneet Kumar, the Managing Director, National highway authority
of India, New Delhi
5. Raj Kumar Choudhary, the Project Director, National Highway
Authority, Araria at Punrea, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Respondent/s : Mr. Lalit Kishor Aag1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

8 20-07-2016

Both sides present.

The application complains that the opposite parties have willfully/deliberately disobeyed/disregarded the order dated 20.05.2011, passed in C.W.J.C. No. 7179 of 2011 (Annexure-1). This Court disposed of the writ application observing as under in paragraph 8 and 9:

“8. This Court thus finds that the Act under which the acquisitions have been made itself provides a procedure which has to be complied with by the authority on whose instance the acquisitions were made. Consequently, this Court directs the respondent authorities to act strictly in terms of provisions contained under Section 3H of the Act. Since the matter has now been made subject matter of suit at the instance of the respondent authorities, this Court observes

that in case of payment of amount of arbitral Award to the petitioner, appropriate sureties shall be obtained for such payment.

“9. The application stands disposed of in the aforesaid terms.

A show cause on behalf of the O.P. Nos. 1, 2 and 3

has been filed. In paragraph 7, it is stated as under:

“7. That with regard to the statement made in paragraph-7 of the contempt application it is humbly stated that opposite parties have full regard of the order/direction dated 25.05.2011 passed by the Hon’ble Court in CWJC No.- 7179 of 2011 and never violated as alleged in the contempt application. In compliance of the order/direction of the Hon’ble Court, the competent authority-cum District Land Acquisition Officer, Araria prepared estimate as per Arbitral Award in amount and sent the same to the Project Director NH-57 for sanction but the same could not be sanctioned only due to filing of appeal against the order of Arbitrator, Punria vide appeal No.-8/2011. In the court of Sub-Judge, Purnia as per provision under the law.”

In paragraph-7, it is stated that the opposite parties have assailed the Arbitral Award before the Appellate Court vide Appeal No. 8/2011. The statement made in paragraph 7, satisfies the Court that the opposite parties have not acted in willful/deliberate disregard of the order, inasmuch as steps were taken for allotment of the fund for payment to the petitioner.

However, a right to appeal against the Arbitral Award has been invoked by the opposite parties and the said litigation appears to be pending.

In that view of the matter, this Court does not propose to pursue this matter any further.

The contempt application is dismissed.

(Kishore Kumar Mandal, J)

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