

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.317 of 2016

In
Civil Writ Jurisdiction Case No. 2612 of 2015

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1. Dina Nath Sharma Son of Late Mathura Sharma Resident of village -
Bihta, P.O. Alipur, Police Station Salimpur (Bakhtiyarpur), District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Sanjay Kumar Agrawal Son of not known, the District Magistrate,
Patna
3. Sri Niranjana Kumar Son of not known, the District Land Acquisition
officer, Patna

.... Opp. parties/Contemnors.

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha
For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 28-09-2016 Heard Mr. P.C. Jha for the petitioner and counsel for
the State.

The application alleges wilful/deliberate
disregard/disobedience of the order dated 11.02.2015 passed in
CWJC No. 2612 of 2015(Annexure-1). The writ application was
disposed of in the following terms:-

“Having heard the parties, the
writ application is disposed of by directing
the District Land Acquisition Officer, Patna
(respondent no.3) to dispose of the claim of
the parties filed pursuant to notice dated
19.8.2014 issued in L.A. Case No. 73 of
2011-12 as quickly as possible preferably
within two months from the date of
receipt/production of a copy of this order.”



It is submitted that the order has not been carried out by the District Land Acquisition Officer. The counsel for the State, on the other hand, referring to the averments made in the show cause/supplementary show cause, has submitted that the compensation amount was fraudulently obtained by two claimants. Upon re-hearing of the matter in the light of the order of the Court, those persons were called upon to refund the compensation amount. One of them has already refunded the compensation amount. Another recipient has not till date returned the compensation amount paid to and received by him. In para 10 of the supplementary show cause, it is stated that requisition has been filed before the Certificate Officer, Patna for recovery of a sum of Rs. 1,11,404/- from the recipient of the said compensation amount. The requisition so filed has given rise to Certificate Case No. 4 of 2015-16 in which Shri Kapil Deo Singh, one of the recipients, is the opposite party. A notice has also been issued to the aforesaid recipient under the provisions of the Bihar & Orissa Public Demand Recovery Act.

Taking into account the entirety of the circumstances, in my view, it cannot be said that the opposite parties have deliberately/wilfully disobeyed the order of the Court. He has adopted a procedure known to law. The contempt petition merits

to be dismissed. The contempt application is disposed of granting the petitioner liberty to approach the District Land Acquisition Officer or the Certificate Officer in seisin of the matter for expeditious disposal of the said proceeding.

(Kishore Kumar Mandal, J)

Shyam/-

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