

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.292 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 19482 of 2013**

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Asim Kumar Mukherjee, S/o - Late Amiya Bhushan Mukherjee, resident of
Mohalla - Kathalbari Bazar, P.S. - L.N.M.U. Campus, District - Darbhanga.

.... Appellant

Versus

1. Sapan Kumar Mukherjee, S/o Late Amiya Shushan Mukherjee, resident of
Mohalla - Kathalbari Bazar, P.S. - L.N.M.U. Campus, District - Darbhanga.
2. The State of Bihar.
3. The Collector, Darbhanga.
4. The District Certificate Officer, Darbhanga.
5. The District Land Acquisition Officer, Darbhanga.

.... Respondents

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Appearance :

For the Appellant : Mr. Shri Prakash Srivastava, Advocate.
Mrs. Asu Priyadarshini, Advocate.

For the State : Mr. Sanjay Prasad, A.C. to A.A.G.-6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-04-2016

I.A. No. 1260 of 2015

The application is for condonation of delay of 126 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay of 126 days in filing the present
Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 1260 of

2015 is allowed and delay of 126 days in filing the Letters Patent Appeal is condoned.

L.P.A. No. 292 of 2015

The order dated 15th of April, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 19482 of 2013 is subject matter of challenge in the present Letters Patent Appeal.

2. The grievance of the appellant is that though the writ petitioner has been given direction to deposit 1/4th share of the estate of the father of the appellant but there is no direction of disbursement of the said amount to the appellant.

3. It appears that on account of acquisition of land of the father of the appellant and that of Respondent No. 1, the compensation of Rs. 2,46,361/- was awarded, which was disbursed to the writ petitioner, i.e. Sapan Kumar Mukherjee, Respondent No. 1 herein. At the instance of the present appellant, proceedings for recovery were initiated which proceedings became subject matter of challenge by the Respondent No. 1 before the learned Single Bench. It is admitted fact that amount of 1/4th share is that of the appellant and that such amount has been ordered to be deposited by the writ petitioner before the District Land Acquisition Officer, Darbhanga.

4. It appears to be inadvertent omission when the amount so deposited by Sapan Kumar Mukherjee was not ordered to be

disbursed to the appellant.

5. In view thereof, we allow the present Letters Patent Appeal and the order dated 15th of April, 2014 is modified and it is ordered that on deposit of 1/4th share of the compensation amount by Sapan Kumar Mukherjee, the same shall be disbursed to the appellant in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anjani
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