

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.326 of 2016**

**In**

**First Appeal No. 59 of 1985**

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Bijay Kumar Khetan

.... .... Petitioner

Versus

The State of Bihar through the Collector, Bhagalpur

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Madan Mohan

For the Opp.Party : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO**  
**ORAL ORDER**

6      27-04-2017                      Heard learned Senior Counsel Mr. Ganpati Trivedi for the petitioner and learned State Counsel on behalf of the opposite party.

2. This review application has been filed by the cross objector-petitioner for review of the judgment dated 10.02.2016 passed by this Court in First Appeal No.59 of 1985.

3. It appears that the aforesaid first appeal was filed by the State of Bihar against the award passed by the Land Acquisition Judge wherein the present petitioner, who was respondent, filed cross-objection. The first appeal was dismissed. The cross-objection was heard and by the judgment dated 10.02.2016 the cross objection was allowed and the judgment and award passed by the Land Acquisition Judge was modified.

4. The only grievance of the petitioner is that while modifying the judgment and award passed by the Land



Acquisition Judge it is held by this Court that the cross-objector is entitled to compensation of his acquired land at the rate of Rs.8,000/- per katha and is also entitled to solatium interest and other statutory benefits under the Act on the enhanced compensation but added in the line that it should be given as given in the award by the Land Acquisition Judge. According to the learned Senior Counsel, the Land Acquisition Judge has not given any statutory benefit as entitled under the statute. Since this statutory benefit has been given by the appellate court, this portion of the line “as given in the award by the Land Acquisition Judge” be deleted.

5. In view of the above facts and circumstances of the case, it appears that this portion of line occurring in the last paragraph i.e. paragraph 7 appears to be a mistake apparent on the face of the record and, accordingly, that portion is deleted and it is now corrected that the petitioner is entitled to compensation of his acquired land at the rate of Rs.8,000/- per katha and is also entitled to solatium interest and other statutory benefits under the Act on the enhanced compensation.

6. Thus, this review application stands allowed.

**(Mungeshwar Sahoo, J)**

Harish/-

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