

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4029 of 2014

- =====
1. Durga Nand Jha Son Of Late Gulab Jha Resident Of At And P.O. - Shahpur, Via- Lohat, P.S.- Pandaul, District- Madhubani. At Present Residing At Durga Niwas, Mahavir Nagar, Sain Chak, Beur Jail Road Bypass, Patna- 2
 2. Kamal Narayan Jha Son Of Late Parma Nand Jha Resident Of At And P.O.- Shahpur, Via- Lohat, P.S.- Pandaul, District- Madhubani

.... Petitioners

Versus

1. The State Of Bihar
2. District Magistrate Madhubani
3. Refund Deputy Collector, Darbhanga
4. Treasury Officer Darbhanga
5. Special Land Acquisition Officer, Koshi Project, Sakri, Distt. Madhubani
6. S.D.O. Nahar Pramandal, Ugra Nath Sakha Nahar, West Koshi Canal Division, Sakri, District- Madhubani

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Gopal Jha, Advocate

For the Respondents : Mr. Indradeo Prasad, AC to SC 27

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
JUDGMENT

Date: 09-01-2017

Heard learned counsel for the parties.

The writ application has been filed by the petitioners seeking a direction upon the authorities to pay interest on the amount of compensation which, though was deposited in the Government treasury in the year 2004, but was paid to them in the year 2013.

Learned counsel for the petitioners submitted that their family land was acquired for ditching the Ugra Nath Sakha Nahar,



under West Koshi Canal Division, Sakri in the district of Madhubani in the year 2003 itself, but despite the compensation amount being deposited in the Government treasury, the payment was made to them only in the year 2003, and that too without interest.

Learned counsel for the State submitted, on the basis of the averment made in the counter affidavit, that the notice of the authorities by which the compensation amount was to be given clearly stipulated that if the amount is not taken by the concerned, the same shall not bear any interest and thus, the authority cannot pay interest on the amount as claimed by the petitioners. On a query made by the Court as to whether the amount was kept in the Government treasury and earned interest from 2004 till 2013, the answer is 'yes'. Further, to the query as to why there was delay in payment, learned counsel for the State submitted that it was due to lapses of the petitioners themselves for which he referred to the various annexures with the writ petition itself. From the writ petition it is clear that the application made by the petitioners in the year 2003 was not acted upon and only in the year 2010 a query was made with regard to certain defects. The Court, thus, again called upon learned counsel for the State to explain as to what happened between the years 2003 and 2010, to which also learned counsel for the State had no answer.

It need not be emphasized that once the compensation



amount is fixed and the same transmitted to the Government treasury, the authorities concerned have to inform the beneficiaries to collect the amount and if they do not collect, the same is to be kept in the Government account till the time it is taken and for which there shall no interest payable. However, in the present case, from the counter affidavit the State has not been able to show that there was any lapse on the part of the petitioners for which validly they were not paid the amount in time. On the contrary, from the annexures in the writ petition, it is apparent that the petitioners were moving before the authority and it was the duty of the concerned authority to get any infirmity, if present, rectified. Thus, the Court has no hesitation to hold that the delay in payment of nine years cannot be attributed to the petitioners as they have been discharging their duty and representing for payment. The Court deems it equitable and just that the interest which the Government earned from the money, rightfully belongs to the petitioners and such amount of interest should be paid to them.

Accordingly, the writ petition stands disposed off with a direction to the respondents no. 2 and 3 to ensure that the interest earned by the State on the compensation amount due to the petitioners, for the period when the money was kept in the Government Account, be paid to them within two months from the date of receipt/production of a copy of the order before the



respondents no.2 and 3.

(Ahsanuddin Amanullah, J)

A.I./-

AFR/NAFR	
U	

