

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 1351 of 2015

IN

Civil Writ Jurisdiction Case No 15819 of 2013

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Shivendra Narayan Singh S/o Late Satya Deo Narayan Singh, R/O Village + P.O. +
P.S. - Parbatta, District - Khagaria. Presently residing at Mohalla - Shivpuri, P.S. -
Shastri Nagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Vyas Ji, Principal Secretary, Disaster Management, Government of Bihar,
Patna
3. Sri Sunil Kumar Singh, Commissioner, Munger Division, Munger
4. Sri Rajeev Roshan, District Magistrate, Khagaria
5. Sri Om Prakash Mahto, District Land Acquisition Officer, Khagaria
6. Sri Santosh Kumar, Sub-Divisional Officer, Gogari, Khagaria
7. Sri Sanjay Kumar, LRDC, Gogari, Khagaria
8. Sri Shailendra Kumar, Circle Officer, Parbatta Anchal, Parbatta, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajesh Narayan Singh, Advocate
For the S t a t e : Mr Pushkar Narain Shahi, AAG VI with
Mr Sanjeet Kumar Singh, AC to AAG VI
Mr Jai Singh, Collector, Khagaria (In person)

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 08-02-2017

The facts leading to the present contempt proceedings
have been noted in earlier orders.

2 Briefly stated, in 1976, 5.49 acres of petitioner's land,
which was then in the district of Munger, had been occupied by the
State to rehabilitate flood victims. Over the last 40 years, there have
been successive proceedings to acquire the land without success. The
flood victims, having been accommodated there, it is not at all



possible for the State to uproot them to hand back the land to the petitioner. Under these circumstances, this Court directed to compensate the petitioner or take a decision to get the land vacated and hand over the vacant land to the petitioner. State decided to compensate. Accordingly, notifications were issued acquiring the land in the year, 2016. Compensations were for two counts, one for temporary deprivation of land till acquisition that is from 1976 to 2016, 40 years and then in respect of value of land as on 2016. Different disputes were raised but now the compensation to all the persons, who were interested in the land, have been paid on both accounts. Petitioner, with some force, has argued that the compensation calculated on both accounts is not correct. He would be entitled to much more on some aspects which I have noted in earlier orders. However, the petitioner does not deny that he has altogether received about Rs 1.60 crores and Rs 7.7 lacs respectively as compensation for land and compensation for temporary occupation of land and different persons have been paid, as stated in paragraph 5 of the supplementary show cause filed on behalf of Collector, Khagaria today in Court.

3 In my view, there being substantial compliance of orders of this Court, these proceedings, in the nature of contempt proceeding, should not be carried any further.



4 With these observations, these proceedings are disposed of. This order has been passed in presence of the learned Collector, Khagaria.

5 Needless to say that if petitioner disputes the valuation and consequently the compensation payable, he has his remedies under the Act to appeal against the payments which he has received without prejudice to his rights and in case any such appeal is filed, the appellate authority/Court shall consider condoning the delay keeping in view the fact that the proceedings were pending in this Court in relation thereto and entertain the appeal on merits.

(Navaniti Prasad Singh, J)

M.E.H./-

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