

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4098 of 2013

IN

Civil Writ Jurisdiction Case No. 11579 of 2011

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1. Rakesh Narayan Singh, S/o Late Kamaldeo Narayan Singh, Resident of
Village + P.O. - Parbatta, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Byas Jee, the Principal Secretary, Disaster Management, Govt. of Bihar,
Patna.
3. Mr. Hukum Singh Meena, The Director, Land Acquisition, Govt. of Bihar,
Patna.
4. Mr. Minhas Alam, Commissioner, The Divisional Commissioner, Munger.
5. Mr. Shash Nawas Alam, Collector, Khagaria.
6. Mr. Gautam Paswan, District Land Acquisition Officer, Khagaria.
7. Mr. Shailendra Kumar, Circle Officer, Parbatta.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Nr. Singh, Advocate
For the Respondent/s : Mr. Chittaranjan Sinha, PAAG-2
Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-06-2017

Inter alia contending that the order passed on
18.4.2012 in C.W.J.C. No.11579 of 2011 has not been complied
with, this application has been filed for initiating action for
contempt.



The order passed in the writ petition reads as under:

In the writ petition, the area of acquisition has been disputed by the petitioner for payment of compensation. For the verification of fact gazette notification under Section 4 or Section 6 of the Land Acquisition Act mentioning the area acquired has not been brought on record by the petitioner to substantiate his claim. Thus in view of the law laid down by the Supreme Court in the case of **Bharat Singh vs. State of Haryana, reported in AIR 1988 SC 2181**, the writ petition is liable to be dismissed. The writ petition is accordingly dismissed.

However, the petitioner may raise his grievance before the Collector for payment of compensation of the land acquired. The Collector shall dispose of the matter within one month from the date of receipt/production of an application along with this order and the compensation shall be paid to the petitioner of the acquired land within a period of three months thereafter.”

From the aforesaid, it is clear that the writ petition was dismissed by the learned Writ Court. However, while parting an observation was made that the Collector shall look into the question of acquisition of land and if the land of the petitioner is found to have been acquired, compensation shall be paid.

Inter alia contending that the compensation has not been paid by the Collector, this application has been filed. Even



though in the counter affidavit it is indicated that certain acquisition proceedings are pending, but finally the claim for compensation has been rejected. Now after the claim has been rejected, the legality, the tenability or the error in the order of the Collector cannot be looked into in these contempt proceedings. It is a case where the petitioner is now required to challenge the order passed by the Collector rejecting his claim and get the same adjudicated in accordance with law by taking recourse to such remedy as may be available in law. Even though learned counsel for the petitioner during the course of hearing tried to indicate that in cases of similarly situated persons compensation has been granted, but looking to the fact that in the order passed in the writ petition there is no *mandamus* or direction to pay compensation to the petitioner, this Court in a contempt application cannot issue any direction for the same.

In case the petitioner is aggrieved by the manner in which his claim for compensation has been considered and rejected, that gives a cause of action to the petitioner to ventilate in accordance with law, but no case for initiating action for contempt against the respondents.

Accordingly, granting liberty to the petitioner to



challenge the action of the respondents and claim compensation or any other benefit as may be available to him in accordance with law, this application stands disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	1.7.2017
Transmission Date	N/A

