

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21473 of 2014

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Kedar Nath Singh S/o Late Ram Chandra Pd. Singh, Resident of Vill - Sikrauhula, P.O. - Koria Haibatpur, via - Majhaul, P.S. - Birpur, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Water Resources Department, Government of Bihar.
3. The Engineer-in-chief, Water Resources Department, Government of Bihar, Patna.
4. The District Collector, Begusarai, at Begusarai.
5. The District Land Acquisition Officer, Begusarai.
6. The Chief Engineer, Water Resources Department, Samastipur at Samastipur.
7. The Superintending Engineer, Flood Control Circle, Samastipur at Samastipur
8. The Executive Engineer, Flood Control Division, Rosera, Samastipur at Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amaresh Kumar Sinha, Advocate
For the Respondents : Mrs. Archana Meenakshi, GP 06
Mr. Karandeep Kumar, AC to GP 06.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-10-2017

The present writ petition has been filed for a direction to the respondent authorities to pay the remaining compensation to the petitioner including statutory interest admissible in accordance with law.

2. At the outset itself Mr. Amaresh Kumar Sinha, learned counsel appearing for the petitioner states that the amount of compensation in respect of acquisition of the land in question has now been paid to the petitioner and the writ petition is confined only to the amount of statutory interest admissible.



3. Learned counsel for the petitioner invites attention to the letter No. 399 dated 11.07.2012 (Annexure-B to the counter affidavit) according to which the District Magistrate found an amount of Rs. 1,77,199/- as payable by way of interest to the petitioner. Thereafter, re-calculation of interest was made and sent by the District Land Acquisition Officer, Begusarai to the Executive Engineer, Flood Control Division, Rosera by letter No. 237 dated 25.04.2015/25.04.2016 (Annexure-D to the counter affidavit) according to which the remaining amount payable to the petitioner worked out to Rs. 2,96,257/- upon taking into consideration interest upto 27.07.2015.

4. Learned counsel for the respondents on the other hand, submits on the basis of the counter affidavit that as a matter of fact, considering various amounts already paid by the Executive Engineer, Flood Control Division, Rosera prior to the date of award i.e. 24.03.2000 aggregating to Rs. 19,57,562/- as against award amount of Rs. 8,22,562/-, there was no question of payment of any interest to the petitioner and in fact the excess amount paid to the petitioner had to be recovered. At the same time, it appears from para 11 of the counter affidavit, that the Executive Engineer has requested the Land Acquisition Officer, Begusarai by his letter No. 664 dated 28.07.2015 to send the correct calculation chart and for which reminder by letter No. 701 dated 14.08.2015 was also sent.

5. Having regard to the rival stand of the parties, this Court directs the District Land Acquisition Officer, Begusarai (respondent no. 5) to work out a fresh calculation of the amount of interest payable to the petitioner, if any, within a period of three months from the date of receipt/production of a copy of this judgment. In arriving at the fresh calculation, opportunity of



hearing shall be provided to both the parties.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.11.2017
Transmission Date	N.A.

