

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13283 of 2014

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Sita Devi wife of Sri Tarkeshwar Singh Resident of Village - Rampur Khajuria,
P.S. - Dumaria Ghat, District - East Champaran, at present resident of Mohalla -
Beli Sarai, P.O. - Motihari, P.S. - Motihari Town, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General and Administrative Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Chairman, Zila Parishad, Motihari East Champaran.
5. Zila Parishad through the Deputy Development Commissioner cum Chief Executive Officer, Motihari, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Zila Parishad : Mr. Sanjay Kumar, Advocate
For the State : Mr. Pawan Kumar, AC to GA 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-02-2017

Heard learned counsel for the petitioner, the State and the
Zila Parishad.

The petitioner has moved the Court for a direction to the
respondents to pay him Rs. 1,60,000/- claiming it to be the unpaid
amount of compensation paid to him for having constructed the
building (shop/restaurant).

Learned counsel for the Zila Parishad raised a preliminary
objection and submitted that pursuant to the petitioner having
constructed the building on the land belonging to the Zila Parishad in



the year 2001 itself, the lease was cancelled and upon due valuation, he was paid Rs. 4 lacs and thereafter he has handed over possession of the building to the Zila Parishad without any objection. It was submitted that the petitioner never raised any dispute and only in the year 2014 has filed a representation before the Zila Parishad which is untenable, as by his conduct, he has precluded himself from raising the grievance and that too in a matter relating to claim of money, after 13 years.

Learned counsel for the petitioner submitted that he has a good case on merit as the Zila Parishad has erroneously relied upon the valuation which was lowest and the actual valuation of the building constructed by him was more and thus he is entitled to further compensation.

Without going into the merits of the matter, which are totally factual in nature, the Court finds substances in the preliminary objection raised by learned counsel for the Zila Parishad. The present matter is purely a money claim which has to be adjudicated before the Civil Court of Competent Jurisdiction which is one aspect of the matter. The other equally important aspect is that the petitioner having accepted the position and voluntarily having handed over the possession to the Zila Parishad after accepting the compensation of Rs. 4 lacs in the year 2001, cannot be allowed to raise a dispute with



regard to the quantum of compensation after 13 years. The claim clearly suffers from delay and laches.

In view thereof, the Court is not persuaded to interfere in the matter and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Prakash/-

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