

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15879 of 2013

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Santu Lal Sah S/O Nandu Lal Sah Resident Of Village- Arar Lakshmipur @ Arar Lakhimpur, Thana No.- 485, Anchal- Saraiya, P.S.- Saraiya, District- Muzaffarpur

.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar, Patna
2. District Land Acquisition Officer, Muzaffarpur
3. Sri Ramchandra Sah S/O Late Baidnath Sah R/O Vill.- Arar Lakshmipur @ Arar Lakhimpur, P.S.- Saraiya, District- Muzaffarpur
4. Sri Ramekbal Sah S/O Late Nandu Sah R/O Vill.- Arar Lakshmipur @ Arar Lakhimpur, P.S.- Saraiya, District- Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR @ S.K.

For the Respondent/s : Mr. KUMARI AMRITA

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-01-2017

Heard the learned counsel for the petitioner.

The legal sustainability of the impugned order, by which the rejection of the prayer for injunction as made by the plaintiff restraining the respondents from releasing the money of the award under Land Acquisition Proceeding has been affirmed by the appellate court below, has been questioned in this application under Article 227 of the Constitution of India.

Both the courts below have come to the concurrent finding of fact that the plaintiff-petitioner has got no prima facie case for passing the order for injunction restraining the defendant-authorities from releasing the money in favour of one or the



other cosharers. As the matter relates to payment of money, it is well settled that such payment of money will never cause irreparable loss or injury. The learned counsel for the petitioner has also submitted that the proceeding of the suit is at advanced stage.

The learned counsel for the respondent-State is present.

After considering the submissions and the perusal of the impugned order, this Court is not inclined to interfere in the impugned order by invoking jurisdiction under Article 227 of the Constitution of India.

The application is accordingly dismissed.

However, it is made clear that the dismissal of the prayer for injunction as made by the plaintiff-petitioner shall not prejudice the claim of entitlement of the plaintiff-petitioner as made in the suit, over the amount of the award which has been paid or will be paid to any of the cosharers under the Land Acquisition Act and the same shall be decided in the suit on the basis of evidence and in accordance with law.

(V. Nath, J)

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