

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2197 of 2015

In

Civil Writ Jurisdiction Case No.230 of 2015

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Sri Parmanand Prasad Singh, S/o Late Ganpat Prasad Singh, r/o village Surhari, P.S.: Mofassil, Dist.- Gaya & Presently resident of L/93 Housing Board Colony, Anugrahpuri, P.S.: Rampur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar .
2. The Commissioner, Magadh Division, Gaya, Bihar.
3. The District Collector, Gaya, Bihar,
4. The District Land Acquisition Officer, Gaya, Bihar.
5. The District Sub- Registrar, Gaya, Bihar.
6. Union Of India Through The Director General, Border Security Forces (Ministry of Home Affairs, Government of India), New Delhi-62.

... .. Respondent/s

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Appearance :

For the Petitioner-Appellant/s: Mr. Ashok Kumar Sinha
Sr. Advocate
Mr. Surendra Kumar Singh
Sr. Advocate
Mr. Praveen Prakash
Advocate
Mr. Om Prakash Agrawal
Advocate

For the Respondent/s : Mr. Prabhakar Jha
GP-27

For the Respondent No. 6: Mr. S. D. Sanjay
Addl. S.G.
Mr. Aushey Bahadur Mathur
CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

6 14-12-2017 Heard learned senior counsel for the appellant, learned Additional Solicitor General for Union of India and learned GP-27 for the State.

Having given an extensive hearing to the learned senior counsel for the appellant and some indulgence to the counsel for



the State and the Additional Solicitor General, the issue now finally bows down as to whether this Court is obliged under Letters Patent Appeal to adjudicate and decide the quantum and the kind of interest, which this appellant is entitled to or should be paid.

The Learned Single Judge has already observed in his order that Section 64 of the 2013 Act does envisage any kind of enhancement and quantum of compensation or may be kind of payment of interest etc. Since these are forums of statutory kind, this Court will not jump and preempt or usurp such jurisdiction, merely because the learned senior counsel for appellant feels that it is an open and shut case.

The appeal stands dismissed.

However, the liberty granted to the appellant by the Learned Single Judge to avail the remedy under Section 64 of 2013 Act is available to him. If the question of limitation is raised, then a plea that the appellant was pursuing a bona fide remedy is always available.

(Ajay Kumar Tripathi, J)

skm/-

(Rajeev Ranjan Prasad, J)

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