

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5415 of 2012

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Shambhu Narayan @ Shambhu Narain @ Shambhu Narayan Singh S/O
Late Raghubansh Narain Singh, resident of Village- Pilkhi Gajpati, P.S-
Sakara, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Amrit Pratyay, the Principal Secretary, Road Construction Department, Bihar, Patna.
3. Sri D.N. Prasad, The Managing Director, Bihar Rajya Pul Nirman Nigam, Patna.
4. Sri Santosh Kumar Mal, the District Magistrate, Muzaffarpur.
5. Sri H.P. Chaudhary, the Executive Engineer, Road Construction Division, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Pd. Singh
Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Anant Pd. Singh S.C. 15
Mr. Avinash Kumar, AC to SC – 15
Mr. Vikas Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 07-02-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Learned counsel for the Bihar Rajya Pul Nirman
Nigam Ltd. (opposite party no. 4) is also present.

The petitioner seeks compliance of the order dated
06.02.2012 passed in C.W.J.C. No. 21309 of 2011 alleging
acquisition of lands for construction of road connecting the bridge
which has been disposed off with a direction that if the contention
of the petitioner is found correct on verification of revenue records
and construction site, the petitioner shall be paid compensation in



accordance with law under the provisions of the Land Acquisition Act within a period of three months from the date of receipt/production of a certified copy of the order.

Learned counsel for the petitioner submits that after passing of the said order, the authorities undertook an exercise whereby certain amount of compensation has been paid to him but he resists the amount so fixed by the opposite parties and submits that it is not a full compliance of the order passed by this Court. He further submits that the authority had not assessed the land acquired by the State for construction of bridge and have awarded lower compensation inasmuch as the lands which purely commercial has been treated as “Bhit land”. As a result of the said classification, the petitioner has been awarded lower compensation.

Learned counsel for the Bihar Rajya Pul Nirman Nigam Ltd. (opposite party no. 4), however, submits that after due consideration of all aspects of the matter, the petitioner has been granted full compensation and if at all, anything remains, the grievance of the petitioner for payment of more compensation can be considered and he is at liberty to choose the proper forum for determination of his said claims once and for all. It is submitted by learned counsel for the State and as is evident from paragraph -



4 of the second supplementary show cause filed by the opposite party no. 4, the proper forum is the Land Acquisition Rehabilitation, Resettlement Authority, Muzuffarpur where the petitioner may, if he so desires to place his further claim for compensation.

In view of such stand taken by the State and that since certain amount of compensation has already been paid, the present contempt application stands disposed off with the aforesaid liberty to the petitioner to seek remedy as stated on preceding paragraph.

(Anjana Mishra, J)

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