

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3700 of 1996

1. Bibi Umme Salma
2. Md. Ahsan Raza
3. Md. Mansoor Raza
4. Md. Mahmood Raza
5. Noor Alam
6. Shamma Naaz
7. Shahzadi Naaz

... .. Petitioner/s

Versus

STATE OF BIHAR & ORS

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Kamran
For the Respondent/s : Mr. none

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

17 10-05-2018

I.A. No. 3322 of 2018.

This interlocutory application has been filed to implead the applicants as party to the writ petition, who are legal heirs of Haji Khalilur Rahman. Bibi Umme Salma, wife of late Haji Khalilur Rahman, is already on record as petitioner no.1. The applicants no. 1 to 6, who were the sons and daughters of late Haji Khalilur Rahman, are allowed to be impleaded as petitioners in place of Haji Khalilur Rahman.

Accordingly, I.A. No. 3322 of 2018 is allowed.

C.W.J.C. No. 3700 of 1996

Heard the learned counsel for the petitioners. Nobody appears on behalf of the State.

The petitioners have filed this writ petition for a



direction to the respondent-Collector, Araria and other respondents for payment of compensation for vesting of Jamindari in the State of Bihar on the basis of government notification no. 631/LR-ZAM dated 26.01.1955 under the provisions of Bihar Land Reforms Act, 1950.

The learned counsel for the petitioners submits that according to Annexure-2 late Haji Khalilur Rahman is entitled to get compensation of Rs. 77,000/- for vesting of Jamindari in the State of Bihar and he is also entitled to get Rs. 31,050/- as compensation vide compensation case no. 2760/55-56. Similarly Bibi Umme Salma wife of late Haji Khalilur Rahman is entitled to get compensation of Rs. 56,000/- and Rs. 18,000/- and interest thereon Rs. 25,000 and Rs. 9892/- respectively vide compensation case no. 1057 of 55-56 and case no. 1063/55-56. The learned counsel for the petitioners submits that in a similar case whereby principal amount of compensation were paid to the Jamindars whose Jamindari have been vested in the State of Bihar vide notification no. 631/LR ZAM dated 26.01.1955 were paid compensation with interest in pursuance of the order dated 16.05.1995 passed in C.W.J.C. No. 5071 of 1994 and 9714 of 1992 but the petitioners have not been paid their principal amount of compensation for vesting of Jamindari in the State of



Bihar and the interest thereon till date. The petitioner also filed supplementary affidavit on 27.03.2018 annexing the entire records of compensation case no. 1063/55-56, 1057/55-56 and compensation case no. 2760/55-56. It is submitted that the Collector found the amount of compensation doubtful and remitted the case to the Additional Collector for verification vide order passed in the year 1996 but till date neither compensation nor interest has been paid to the petitioners. It is submitted that only part interest amount has been paid to the petitioners.

Having considered the facts that admittedly after vesting of Jamindari the petitioners are entitled to get compensation and surprisingly the petitioners have not got compensation till date, therefore, I dispose of this writ petition with a direction to the Collector, Araria, where the Jamindari bonds issued in the name of the petitioner are lying, to dispose of the compensation case of the petitioners within three months from the date of receipt/production of the copy of this order.

Accordingly, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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