

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11591 of 2013

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Suman Automobiles through its Proprietor Rajeev Kumar son of Late
Ramswaroop Singh, Resident of Mahisauri, near Registry Court, Jamui, P.S. &
Dist. Jamui

.... Petitioner

Versus

1. The State of Bihar through District Magistrate District cum Election Officer,
Jamui
2. Chief Election Commissioner, Bihar, Patna
3. District Election Officer cum District Magistrate, Jamui
4. In Charge Officer, Nirwachan Vahan Koshang (Election Vehicle Cell) Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh, Advocate.
For the Resp. No. : Mr. Amit Shrivastava
Mr. Girish Pandey, Advocate.
For the State : Mr. Wasi Ahmad Khan, AC to SC-25.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-08-2018

The present writ petition has been filed for the
following reliefs –

*"I. That, for commanding and directing the respondents to
make payment of compensation of Rs.1,14,850/-
(Rs.1,39,500.00 – advance Rs.24,650.00) for six numbers
of vehicles used by the respondent in Panchayat Election,
2011, they have used the said vehicles of petitioner
altogether for 186 days Rs. 750/- per day.*

*II. That, for commanding and directing the respondents to
pay statutory interest over all admitted claim of petitioner
18% per annum right from the date of entitlement of
petitioner to the date of its final realization.*



III. That, for realization of cost of this litigation from the respondent officials, who knowingly and deliberately failed to make payment of compensation to the petitioner even after lapse of two years of the election.

IV. That for any relief(s) for which petitioner is found entitled in the eye of law.”

2. At the very outset, learned counsel for the respondents states on instruction that against the petitioner's claim for Rs. 1,14,850/-, an amount of Rs. 82,540/- was found admissible and has been paid to the petitioner by Cheque No. 176413 dated 31.03.2018.

3. Learned counsel for the petitioner accepts receipt of the said payment of Rs. 82,540/- but submits that the respondents have short paid the petitioner and that too after a considerable delay of about five years since filing of the writ petition.

4. Having heard the parties, this Court is of the view that the ends of justice will be met if the respondent-District Election Officer cum District Magistrate, Jamui (respondent no. 3) is directed to make payment of simple interest @ 6% per annum on the admitted amount of Rs. 82,540/- to the petitioner from the date when the writ petition was filed upto the date of actual payment. Such payment of interest should be made within a period of four weeks from the date of receipt/production of a copy of this judgment.



5. The petitioner shall be at liberty to represent before the respondent no. 3 for the remaining part of the claim which if preferred within a period of two weeks from today, the same shall be disposed of expeditiously and in any event preferably within a period of eight weeks thereafter. If any further amount is found payable to the petitioner, the same should be paid without delay.

6. The writ petition stands disposed of accordingly.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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