

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.970 of 2017
In
Civil Writ Jurisdiction Case No.4029 of 2014

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1. The State Of Bihar.
 2. That District Magistrate, Madhubani.
 3. The Refund Deputy Collector, Darbhanga.
 4. The Treasury Officer Darbhanga.
 5. The Special Land Acquisition Officer, Koshi Project, Sakri, District- Madhubani.
 6. The Sub-Divisional Officer, Nahar Pramandal, Ugra Nath Sakha Nahar, West Koshi Canal Division, Sakri, District- Madhubani.
- Appellant/s

Versus

1. Durga Nand Jha, Son Of Late Gulab Jha, Resident Of Shahpur, Via- Lohat, P.S.- Pandaul, District- Madhubani. At Presently Residing at Durga Niwas, Mahabir Nagar, Sain Chak, Beur Jail Road Bypass, Patna- 2.
 2. Kamal Narayan Jha, Son Of Late Parma Nand Jha, Resident at Shahpur, Via- Lohat, P.S.- Pandaul, District- Madhubani.
- Respondent/s

Appearance :

For the Appellant/s	:	Mr. Indradeo Prasad
For the Respondent/s	:	Mr. Rajeev Roy
		Mr. Gopal Jha
		Mr. Shreepal Jha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

4 28-06-2018 Heard learned counsel for the appellant–State as well as the private-respondent.

The writ application was preferred by the private-respondents, who were petitioners before the writ court for a direction upon the State Authorities to pay them interest due to non-payment or delayed payment of compensation against land acquisition. Admitted position is that the compensation amount was deposited in the Government Treasury in the year 2004 and



was not paid to them till the year 2013.

A plea was taken by the State that after a notice was given under Section 12 (2) of the Land Acquisition Act, there was no obligation upon the State Authorities to pay any interest. It was the duty of the persons, claiming compensation, to present themselves and receive the compensation.

The Learned Single Judge took note of such submissions and had this to say:

“Learned counsel for the State submitted, on the basis of the averment made in the counter affidavit, that the notice of the authorities by which the compensation amount was to be given clearly stipulated that if the amount is not taken by the concerned, the same shall not bear any interest and thus, the authority cannot pay interest on the amount as claimed by the petitioners. On a query made by the Court as to whether the amount was kept in the Government treasury and earned interest from 2004 till 2013, the answer is ‘yes’. Further, to the query as to why there was delay in payment, learned counsel for the State submitted that it was due to lapses of the petitioners themselves for which he



referred to the various annexures with the writ petition itself. From the writ petition it is clear that the application made by the petitioners in the year 2003 was not acted upon and only in the year 2010 a query was made with regard to certain defects. The Court, thus, again called upon learned counsel for the State to explain as to what happened between the years 2003 and 2010, to which also learned counsel for the State had no answer.”

The findings being what they are and with no clear and cogent explanations being offered even at the stage of appeal by the State counsel to the issues, which remained unanswered even before the writ court, there is no reason why the appeal court will interfere with the impugned order, dated 09.01.2017.

Since there is no infirmity emerging from the order of the Learned Single Judge in the given facts and circumstances, appeal stands dismissed.

(Ajay Kumar Tripathi, J)

skm/-

(Nilu Agrawal, J)

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