

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3341 of 2019

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Mundrika Paswan S/o- Late Faujdar Dusadh R/o- Mangabar, P.S.- N.T.P.C.
Khaira and District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna(Bihar)
2. The District Magistrate, Aurangabad
3. The District Land Acquisition Officer, Aurangabad

... .. Respondents

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Appearance :

For the Petitioner : Mr.Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr.Mukul Prasad, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-02-2019 The petitioner is seeking direction to the respondents for payment of compensation against acquisition of his land in the light of an order of this Court dated 29.10.2010 passed in C.W.J.C. No. 10684 of 2010. Following is the relevant portion of the order, on which the petitioner is placing reliance : -

“.... Therefore, this Court finds that since the affidavit of the B.R.B.C.L. indicates that they have sent their consent and also stated that they are waiting for the approval of the State Government. It would be proper for the B.R.B.C.L. to fix the compensation amount in accordance with their own undertaking. It would be in the interest of B.R.B.C.L. to conclude the Land Acquisition Proceeding by ensuring that the compensation amount is deposited with the Land Acquisition Officer expeditiously.

This writ application is, thus, disposed of.”

It is the petitioner’s case that he is also entitled for



compensation on the principle as indicated in the said order dated 29.10.2010.

This is not in dispute that award against acquisition of the land in question was prepared not in the name of this petitioner, but in the name of his wife. This is also not in dispute that the petitioner's wife did receive the amount of compensation in the year 2012 itself. The petitioner's wife is said to have died in 2018. During her life time, she did not raise any objection against the amount of compensation as declared in the award.

In my view, it is a belated claim on behalf of the petitioner, which is being made now nearly seven years after the amount was received by the petitioner's wife for payment of higher compensation.

This application is, therefore, dismissed on the ground of delay and laches.

(Chakradhari Sharan Singh, J)

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