

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1065 of 2019

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1. Dharmshila Sinha, Wife of Narendra Deo Singh, resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.-Patrakar Nagar, District-Patna.
2. Kaushlendra Kumar, Son of Late Chandeshwar Prasad Singh, resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.-Patrakar Nagar, District Patna.
3. Rajeshwar Singh, Son of Late Yugal Singh, resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.-Patrakar Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Chief Engineer-In-Charge, Department of Road Construction, Government of Bihar, Patna.
6. Bihar State Housing Board through its Managing Director, 6 Mangles Road, Patna.
7. The Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar
For the Respondent/s : Mr. Chitranjan Sinha- PAAG-2
Mr. Shailendra Kumar, AC to PAAG-2

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-01-2019 The petitioners are seeking a direction to the respondents to pay compensation against acquisition of their lands at part with petitioners of C.W.J.C. No. 4101 of 2012 and in terms of the order dated 23.04.2012 read with order dated 18.07.2012, passed by this Court in the said case. According to the petitioners, they are also covered by the said order of this Court. The orders dated 23.04.2012 and 18.07.2012, which the petitioners are relying on, read thus:-



23.04.2012: “Learned counsel for the petitioners has submitted that the compensation awarded may be directed to be made as early as possible. The compensation is payable on the market value of the land determining on the date of the gazette notification under Section 4(1) of the Land Acquisition Act. The market value as it is current year.

The market value shall be determined within 15 days along with additional compensation under Section 31(a) and shall be made within a month.

The stay order granted earlier is hereby vacated.

The State Government is directed to proceed with the construction of road.

In view of this order, the Title Suit No. 12 of 2012 summoned under Section 24 of C.P.C. is dismissed. If the compensation is not paid within a month, every month 10 per cent interest shall be paid. The petitioner has undertaken to vacate the land in dispute forthwith.

The petition is disposed of.

(Sd/- Prakash Chandra Verma, J.)

18.07.2012: This has come under the heading ‘to be mentioned’ for correction of certain typographical error occurred in the order dated 23.04.2012, whereby the writ petition was disposed of. It is submitted that in the last



but one paragraph of that order in place of Title Suit No. 12 of 2000, Title Suit No. 12 of 2012 has wrongly been typed.

In that view of the matter, let Title Suit No. 12 of 2012 be read as Title Suit No. 12 of 2000.

Order dated 23.04.2012 is modified to the above extent.”

Upon hearing the learned counsel appearing on behalf of the petitioners, I find that the only grievance of the petitioners is, that the petitioners should also be paid interest at the rate of 10 per cent per month, as was directed in the said order dated 23.04.2012. The order of payment of interest was made in case of petitioners of C.W.J.C. No. 4101 of 2012. On the basis of the order passed by this Court on 23.04.2012, in C.W.J.C. No. 4101 of 2012, the petitioners cannot raise claim of the interest at the said rate, since the said order cannot be said to be an order *in rem* rather the same is an order *in personam*.

This application has no merit, and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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