

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.91 of 2018

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Arun Kumar Tiwari Son of late Ramashankar Tiwari Resident of Village-
Cheharia, P.S. Durgawati, District- Kaimur.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division Division, Patna.
3. The Collector, Kaimur at Bhabhua.
4. The District Land Acquisition Officer, Kaimur, District- Kaimur at Bhabhua.
5. The Chief Project Manager, Eastern Dedicated Freight Corridor, East
Central Railway, Mughalsarai Var
6. The Executive Engineer, Dedicated freight Corridor, Mohaniam District-
Kaimur at Bhabhua.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ramchandra Singh
For the Respondent State:		Mrs. Sanghmitra Ghosh, AC to GP-15
For the respondent DFCCIL:		Mr. Ashok Kumar Keshari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 08-04-2019 A supplementary affidavit has been filed on behalf of the State respondents making statement in paragraph 7 that a sum of Rs.4,77,04,377.00, which was determined as the amount payable to the petitioner as compensation against acquisition of land, has been paid to him on 03.04.2019. The award was prepared on 24.03.2016.

There is no explanation in the affidavit as to why the payment remained due for all these years and the payment could be made within three days from passing of the order dated 01.04.2019. Following was the order passed by me on



01.04.2019 :

“Mr. Keshari, learned Counsel appearing on behalf of Dedicated Freight Corridor Corporation of India Limited states that a counter affidavit has been filed on behalf of the Corporation which is not there on record. Let the counter affidavit be placed before this Court on the next date. Mr. Keshari has further stated that against the acquisition of land, the Corporation has already made payments to the State Government on 10.08.2016.

Learned counsel appearing on behalf of the State of Bihar has not been able to satisfy this Court, with the aid of the counter affidavit which has been filed, justifying the conduct of the State-respondents in their failure to make payment of amount of compensation. The Court expresses displeasure over the circumstance in which the amount of compensation determined in the year 2016 has so far not been paid to him, which must be earning statutory interest causing additional burden on the State exchequer which is public money. The Court takes serious note of the matter and would be compelled to pass appropriate orders on the next date when the matter will be taken up again in the present heading at 2.15 P.M.

List this case under the same heading on 08.04.2019.”

The Court does not have any clue as to why payment remained pending. There is an averment made in paragraph 19 of the writ application, which reads thus: -

“19. That it is humbly submitted on behalf of the petitioner that the D.L.A.O., Kaimur can stopped the payment of award amount of the



petitioner which was already been released by the DFCCIL without assigning reason. It is relevant to mention here that the D.L.A.O., Kaimur without any assigning reason what basis stopped the award amount after 10.08.2016 received the said amount released by the DFCCIL.”

I expect the Chief Secretary of Bihar himself to cause an enquiry into the circumstances in which the amount remained unpaid for several years, causing serious prejudice not only to the petitioner's interest, reputation of the State Government at the same time. The Chief Secretary shall be at liberty to take appropriate action against erring persons.

Mr. Ashok Kumar Keshari, learned counsel appearing for the DFCCIL has reiterated that DFCCIL had already released the requisite amount in favour of the State Government within stipulated time for payment to the land owners.

Since the award money has been paid to the petitioner, though belatedly, this application is disposed of with a liberty to the petitioner to approach the authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013, if he has any grievance against non-payment of any amount of interest on the said award.

This application is allowed with the directions and



observations as above.

(Chakradhari Sharan Singh, J)

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