

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12437 of 2019

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Rajesh Prasad Gupta, aged about 66 years, Male, S/o Late Bhagwan Prasad Gupta, resident of Village Barhara, P.O.- Barhara, P.S.- Marauna, Distt.- Supaul
... Petitioner

Versus

1. The Union of India through the Secretary, Road and Highways Department, Govt. of India, New Delhi
2. The Secretary, Department of National Highways and Road Ways, Govt. of India, New Delhi
3. The National Highway Authority of India, New Delhi, through its General Manager
4. The Project Director, Project Implementation Unit (P.U.), National Highway Authority of India, Supaul
5. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
6. The Chief Secretary, Govt. of Bihar, Patna
7. The Principal Secretary, Land and Revenue Department, Govt. of Bihar, Patna
8. The District Magistrate-cum-District Officer- cum-District Collector, Supaul
9. The Additional Collector, Supaul-cum-Arbitrator, appointed under N.H.-57 for Supaul
10. The District Land Acquisition Officer, Supaul
11. The Assistant Registrar Ganpatganj, Distt.- Supaul
12. The Circle Officer Marauna, Distt.- Supaul
13. Bihari Prasad Mukhiya, S/o Late Santosh Mukhiya, resident of Village Kataiya, P.S.- Birpur, Distt.- Supaul
14. Bablu Kumar Mukhiya, S/o Sri Bihari Prasad Mukhiya, resident of Village Kataiya, P.S.- Birpur, Distt.- Supaul
15. Dharmendra Prasad Gupta, S/o Late Shyam Prasad Gupta, resident of Village.- Birpur Ward No. 9, Gol Chowk, P.S.- Birpur, Distt.- Supaul

... .. Respondents

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Appearance :

For the Petitioner : M/s Amrit Abhijat & Manoj Kumar Gupta, Advs.
For the Respondents : Mr. Birendra Prasad Singh, AC to SC XIX

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-07-2019 This application has been filed seeking direction to

the respondents more particularly respondent no. 10, the District



Land Acquisition Officer, Supaul, to recover an amount of Rs.47,28,354/- paid to respondent no. 13, which, according to the petitioner, has been done in contravention of an order of injunction, dated 04.11.2016, passed by learned Sub Judge, I, Birpur, in T.S. No. 56 of 2016 whereby payment of compensation to respondent no. 13 was restrained.

An application under Article 226 of the Constitution of India is not an appropriate remedy for the relief, which the petitioner is seeking.

The learned counsel for the petitioner states that in the said title suit, which is pending, the petitioner has made an application informing the Court regarding payment of the amount of compensation in breach of the interim order of the Court passed in the title suit with a prayer to initiate contempt proceeding.

Learned counsel for the petitioner contends that the Court below is not proceeding at all in the matter.

I reiterate that this Court can not go into such question in a proceeding under Article 226 of the Constitution of India. The petitioner has liberty to approach the appropriate forum in accordance with law seeking appropriate relief, keeping in view the grievance which he is making.



This application stands **disposed of** with the aforesaid observation.

It is made clear that I have not gone to the merits of the petitioner’s claim.

(Chakradhari Sharan Singh, J)

Shamshad/-

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