

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12126 of 2019

Mahanth Bhubneshwar Bhagat @ Mahanth Bhuneshwar Bhagat S/o Late Mahanth Sheo Goswami resident of Village- Ilamdipur, P.O. Sakara, P.S. G.B. Nagar, Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Siwan.
2. The Collector, Siwan.
3. The Addl. Collector, Siwan.
4. The Circle Officer, Pachrukhi, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dineshwar Prasad Singh
For the State	:	Mr.Rishi Raj Sinha (SC-19)
		Mr. Saurabh Kumar, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-07-2019 Heard learned counsel for the parties.

It is the case of the petitioner that certain portion of land was surrendered by him under Section 15A of the Bihar Land Ceiling Act, 1961(for short ‘the Act’) as surplus land, against which he is entitled for due compensation under the provisions of the Act. According to him, a paltry sum of Rs. 2257/- has been paid to him as the amount of compensation against the surplus land of 14.71 acre, which is apparently highly unreasonable. The payment was made in April, 2015. This writ application has been filed more than four years thereafter.

The pleadings in the writ application do not furnish any justification for such delay.

Learned counsel for the petitioner is relying on Part-1 of the Schedule to the Act, which lays down the rates for



compensation payable to the *raityat* by the State Government .

This Court, in the present proceeding under Article 226 of the Constitution of India, cannot decide the quantum of compensation, particularly when the petitioner has approached this Court more than four years after having received the amount of compensation.

There is nothing on record to show the determination of the amount of compensation, on the basis of which the payment has been made.

However, in the facts and circumstances of the case, this writ application is disposed of with an observation that the petitioner may approach the competent authority, seeking details of calculation of the amount of compensation. Once the determination of the amount of compensation is furnished to him, if not already furnished, the petitioner shall be at liberty to approach the competent authority, praying for payment of more amount of compensation than what has been paid to him, in accordance with law.

(Chakradhari Sharan Singh, J)

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