

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.522 of 2017

In

Civil Writ Jurisdiction Case No.13224 of 2014

1. Smt. Sandhya Devi, aged about 35 years, D/o Late Draupadi Devi, W/o-
Sunil Kumar Pandey, R/o Village- Machwan, P.O.- Imiliyan, Amra, District-
Chandauli U.P.

2. Gautam Dube, aged about 40 years, S/o Late Draupadi Devi, Resident of
Village Mubarakpur, P.S. Mohania, Dist. Kaimur (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Kaimur at Bhabhua.
3. The Deputy Development Commissioner, Kaimur at Bhabhua.
4. The Land Acquisition Officer, Kaimur at Bhabhua.
5. The Circle Officer, Mohania, Kaimur at Bhabhua.
6. Phulmati Kunwar, Wife of Late Ramugrah Tiwary, Resident of Village-
Ekhlaspur, P.S. Mohania, District- Kaimur Bhabhua.

... .. Respondent/s

Appearance :

For the Appellant/s	:	None
For the Respondents	:	Mr. Surendra Kishor Thakur, Adv. Mr. Santosh Kr. Pandey, Adv.
For the State	:	Mr.Md. Khurshid Alam- AAG12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 15-10-2019

Yesterday the case was called out but, no one was
present to press this appeal. Today also, no one is present on behalf
of the appellant.

In this case, the appellants are challenging the order of
the learned Single Judge dated 2.2.2017 passed in CWJC No.
13224 of 2014 whereby the learned Single Judge has given a



direction for payment of compensation amount of the land acquired with a rider that if the respondent Draupadi Devi, now substituted by Sandhya Devi and another would succeed in the suit, the present respondent Phulmati Kunwar will return the money along with interest.

We do not find any error in the aforesaid order as also earlier in the first transaction, the payment of money was under consideration which was under challenge in CWJC No. 9723 of 2011 and this Court had given direction for payment of the compensation amount with the same rider and condition. In the likewise manner, the respondent will furnish an undertaking to the civil court making a statement about return of the money to the heirs of Draupadi Devi in the event she fails to succeed in the suit.

This Court does not find any merit in the present appeal and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2019
Transmission Date	

