

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.788 of 2018

In
Letters Patent Appeal No.270 of 2016

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Surya Kuer W/o-Late Bhikhari Tiwary, Resident of Village- Kumhaw, P.O.-
More Sarai, P.S. Shiv Sagar, District- Rohtas at Sasaram, Presently Resident
at Satyendra Nagar (In the House of Ramadhar Dubey) Block Colony,
Aurangabad, P.S. and District-Aurangabad. Petitioner

Versus

1. The State Of Bihar
2. Sri Vivek Kumar Singh S/o not Known the Principal Secretary, Department
of Land Reforms and Revenue,, Govt. of Bihar, the Principal Secretary,
Department of Land Reforms and Revenue,, Govt. of Bihar,
3. Sri Animesh Kumar Parasar, S/o- not Known, the District Magistrate,
Rohtas(Sasaram)
4. Mr. Arvind Kumar Bharti, S.-Not Known, the Competent Authority Cum the
District Land Acquisition Officer,Rohtas at Sasaram
5. Sri Deepak Kr. Singh The Chief General Manager, National Highway
Authority of India,New Delhi
6. Lt. Col. Yogesh N Garhwal, S/o-Not Known, The Project Officer National
Highway II at Sasaram

... ... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Jha, Sr. Advocate Mr. Bijay Shankar Choubey, Advocate Mr. Praveen Kumar, Advocate
For the Opposite Party/s :		Mr. Fakhruddin Ali Ahmad, AC to AAG-12
For N.H.A.I.		Mr. S. N. Pathak, S.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 17-04-2019 Heard learned Senior Counsel for the applicant and

learned counsel for the opposite parties.

We have perused the rejoinder to the supplementary
show cause submitted by the applicant. In paragraph 6 (iv) and
(v) and in paragraph 8 following averments have been made:



“6 (iv) That the contemnor was sitting over the matter and the payment of rupees Rs. 19,23,129 on 05/02/2018 paid to the petitioner.

(v) That an amount of Rs. 35,19,442 was paid on 16/10/2018 to the petitioner.

8. That from the show cause it appears that no details of the compensation amounts paid have been given.”

Mr. Jha, learned Senior Counsel for the applicant contends that the S.L.P. against the judgment of this Court passed in L.P. A. No. 270 of 2016 (Surya Kuer Versus the State of Bihar & Ors.) was dismissed on 19th of March, 2018 and the payment was delayed for at least five years and, therefore, the statutory interest as well as consequential benefits have not been paid which, according to the learned Senior Counsel, has not been calculated nor it has been disbursed to the applicant.

It has further been contended that in view of letter dated 17th February, 2016 of the National Highways authorities itself upon a legal opinion having been tendered by the Additional Solicitor General of India it is evident that the respondents were bound to apply the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the purpose of extending further benefits and since the same has not been considered, it is evident that the judgment of this Court has been violated.



We have considered the submissions raised and we find from the operative part of the judgment that the competent authority was directed to make payment of compensation of the land as has been determined in favour of the applicant within a period of one month. There is no determination of either any interest or further any additional payments as is being claimed through the affidavit filed by the applicant and the submission raised in this regard noted hereinabove.

We, therefore, do not find any willful or deliberate disobedience that can be inferred on the basis of the aforesaid submissions for continuing this contempt application where we find that there is a substantial compliance of the judgment of the Court.

Insofar as the additional claims which are sought to be raised, we need not comment on the merits of any such claims without prejudice to the right of the applicant to raise any such dispute before the appropriate forum in this regard.

It is accordingly, consigned to record.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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