

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24143 of 2019

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Surendra Das, aged about 54 years, Gender-Male, Son of Late Ramji Das,
Resident of Mauza Chikni, Ward No. 2, P.O. Jokiyari, P.S. Raxaul, District-
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar,
Patna.
3. The Principal Secretary, Department of Home, Bihar, Patna.
4. The Director, Land Acquisition, Bihar, Patna.
5. The Joint Secretary, Department of Home, Bihar, Patna.
6. The Collector, Motihari.
7. The Land Acquisition Officer, Motihari.
8. The Union of India, through the Ministry of Home Affairs, Government of
India, through its Secretary, North Block, New Delhi.
9. The Secretary Border Management Ministry of Home Affairs, Government
of India, North Block, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mallika Mazumdar, Advocate
For the State	:	Mr. Khursid Alam, AAG 12
For the UOI	:	Mr. S D Sanjay, ASG
		Mr. R K Sharma, CGC

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-01-2020

Heard learned counsel for the petitioner; learned AAG 12
for the State and learned counsel for the Union of India.



2. Pursuant to order dated 05.12.2019, a counter affidavit has been filed on behalf of respondents no. 6 and 7 and another on behalf of respondents no. 8 and 9. From the same, it transpires that the remaining amount of compensation for the land acquired, an amount of Rs. 11,21,404/- has been transferred into the account of the petitioner through RTGS on 10.01.2020. Receipt of the money is not disputed by learned counsel for the petitioner.

3. Having gone through the counter affidavit of respondents no. 8 and 9, it transpires that the additional demand of Rs. 19,30,03,159/- was raised before them on 12.09.2015. However, the further stand is that the said amount was sanctioned by the Ministry of Home Affairs on 09.08.2018 and thereafter sent on 16.08.2018. There is absolutely no justification for the respondents no. 8 and 9 to have sat over the matter by non-release of fund for full three years. There is also no explanation for the same.

4. A person whose land has been taken in the year 2011, receives the full compensation only in the year 2020. For part of the delay, the Court can understand that a new Act came into force and thereafter things were re-worked. However, once the same has been quantified and demand raised by the District authorities on



12.09.2018, the respondents no. 8 and 9 sanctioning and sending the money after three years, cannot be said to be *bona fide*.

5. In view thereof, in the considered opinion of the Court, the petitioner is entitled to simple interest @ 9% per annum, as has been provided in The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 itself, for three years delay in the amount being paid to the petitioner. The interest for three years shall be calculated by the respondents no. 8 and 9 and transferred directly into the account of the petitioner through RTGS in terms of details mentioned in Annexure-K of the affidavit filed on behalf of the respondents no. 6 and 7 today, within three weeks from today.

6. The Court under the peculiar facts of the present case is passing the order, primarily on the ground that the exact amount which was asked by the Collector, East Champaran, from the authorities for whom the land was taken, besides being required to be paid, has been finally paid after three years, for which there cannot be any justification, and moreover, nothing has been even whispered to explain the same in the counter affidavit filed on behalf of the respondents no. 8 and 9.

7. Before parting, the Court would only observe that the initiative of the present Collector, East Champaran with regard to



fixing of responsibility for the delay by the authorities in finalizing the compensation amount shall also be taken to its logical conclusion.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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