

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.279 of 2019

In

Civil Writ Jurisdiction Case No.1065 of 2019

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1. Dharmshila Sinha, Wife of Narendra Deo Singh, Resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.
 2. Kaushlendra Kumar, Son of Late Chandeshwar Prasad Singh, Resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.
 3. Rajeshwar Singh, Son of Late Yugal Singh, Resident of Bhabha Colony, Hanumannagar, Kankarbag, Patna, P.S.- Patrakar Nagar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Chief Engineer-in-Charge, Department of Road Construction, Government of Bihar, Patna.
6. Bihar State Housing Board through its Managing Director, 6 Mangles Road, Patna.
7. The Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 12-02-2021

Heard the parties.

Aggrieved by judgment and order dated

15.01.2019 passed by the learned Single Judge of this Hon'ble



Court dismissing the writ petition the present L.P.A. has been filed for setting aside the judgment and order dated 15.01.2019 passed by learned Single Judge.

Briefly stated the facts of the case is that appellants are the owners of the land which was acquired by the Government of Bihar in Land Acquisition Case No. 105 of 2011-12 for construction of road from Arya Kumar Road to New Bypass in town of Patna for which award was prepared in favour of appellants.

C.W.J.C. No. 4101 of 2012 was filed by Sunil Kumar and four others for quashing the notification issued under section 4 of the Land Acquisition Act whose lands were also acquired to construct the road and this Hon'ble court by order dated 23.03.2012 directed the Principal Secretary, Road Construction Department to settle the dispute by negotiation and pursuant thereto a meeting was conveyed on 29.03.2012 in which appellants were also called and appellants accepted the proposal of the State and gave their consent for acquisition of their land and thereafter C.W.J.C. No. 4101 of 2012 was disposed of by order dated 23.04.2012 with direction upon the State authorities to pay the compensation at the market value of the current year and further directed to determine the market



value within 15 days and if compensation is not paid within a month every month 10 % interest shall be paid. The L.P.A. as well as S.L.P. preferred against said order stood dismissed.

It is submitted on behalf of the appellants that they have received the compensation but 10 % interest every month as directed by the this Court by order dated 23.04.2012 was not paid to appellants as paid to the petitioners of C.W.J.C. No. 4101 of 2012 although appellants are similarly placed, as the appellants are also owner of part of land and building owned by petitioner of C.W.J.C. No. 4101 of 2012 acquired by State Government and were also co-plaintiffs in Title Suit No. 12 of 2000 along with petitioners of C.W.J.C. No. 4101 of 2012 which was dismissed by this Hon'ble Court by order dated 23.04.2012 passed in C.W.J.C. No. 4101 of 2012 as the dispute was resolved between the parties.

After hearing counsel for the parties, it is apparent that appellants are similarly placed with the petitioners of the C.W.J.C. No. 4101 of 2012 which was disposed of by order dated 23.04.2012 and directions contained therein are equally applicable in case of appellants.

From records of the case, it is apparent that respondent authorities had called appellants (Annexure-3, 5)



alongwith petitioners of C.W.J.C. No. 4101 of 2012 and they participated in all meetings held for negotiations and amicable settlement of the amount of compensation. They were also co-plaintiffs in Title Suit No. 14 of 1994/12 of 2000 alongwith petitioners of C.W.J.C. No. 4101 of 2012 (Annexure-7) which was filed against the notification issued for acquisition of land and said title suit was dismissed by order dated 23.04.2012 as the dispute arising out of land acquisition was amicably settled between the parties pursuant to direction issued by this Court in C.W.J.C. No. 4101 of 2012. It further appears that District Magistrate had calculated the amount of compensation to be paid to the appellants in terms of judgement and order dated 23.04.2012 passed in C.W.J.C. No. 4101 of 2012 and had also sought fund from the concerned department for payment of compensation to the appellants (Annexure-16, 17 and 18) but same was not paid to the appellants, for which present writ petition was filed by appellants.

For the reasons, as stated above, the order dated 15.01.2019 passed by the learned Single Judge is set aside and it is directed that appellants are entitled for same benefits as extended to petitioners of C.W.J.C. No. 4101 of 2012 by order dated 23.04.2012.



The L.P.A. stands allowed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2021
Transmission Date	NA

