

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16615 of 2021

=====

Razi Haider, Son of Late Abdul Halim, resident of Haroon Nagar Colony,
Sector - 2, Block - Phulwarisharif, P.S. Phulwarishari, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Department of Water Resources, Government of Bihar, Patna.
4. The Presiding Officer-cum-Land Acquisition, Rehabilitation and Resettlement Authority, Q. No. B/96, Sinha Library Road, Chajju Bagh, Patna.
5. The Collector, Buxar.
6. The Land Acquisition Officer, Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the Respondent/s	:	Mr. Harish Kumar (GP-8)
		Mr. AC to GP-8

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard learned counsel for the respective parties.

2. In the instant petition, the petitioner has prayed for the following reliefs:

“a. For issuance of writ of certiorari to set aside the order dated 01.08.2016 passed in Consolidated Executive Case No. 22 to 34 / 2016 (B) by the Presiding Officer-cum-Land Acquisition, Rehabilitation and Resettlement Authority, Patna (hereinafter “respondent no.4”) to the extent it directed for the attachment of the salary of the Executive



Engineer, Flood Control Division, Buxar until settlement of compensation of the claimants therein.

b. For issuance of writ of mandamus commanding the respondent authorities to forthwith disburse the salary of the petitioner, who, upon transfer assumed the charge of Executive Engineer, Flood Control Division, Buxar on 30.06.2021 and since then, his monthly salary is not being disbursed in the garb of the aforesaid direction contained in the impugned order dated 01.08.2016.

c. For issuance of appropriate order to stay the operation of the impugned order dated 01.08.2016 during the pendency of the writ proceeding to the extent it imposes condition of attachment of salary of Executive Engineer, Flood Control Division, Buxar.

d. For issuance of appropriate direction to the erring respondent(s) to pay a reasonable sum to the petitioner towards the cost of litigation and also for the unwanted harassment meted to him for no good reason.

e. For grant of any other relief(s) in the interest of justice, equity and good conscience.”

3. In support of second prayer, petitioner has submitted representation.

4. In so far as first prayer is concerned, petitioner has submitted that the present issue is covered by the decision passed in C.W.J.C. No. 6979 of 2017 (Annexure-5) and it is not disputed by the learned counsel for the State.



5. After disposal of C.W.J.C. No. 6979 of 2017, petitioner submitted representation and it has not been taken note of by the competent authority.

6. In the light of these facts and circumstances, the present petition is allowed.

7. In terms of Annexure-5, the concerned authority is hereby directed to extend all arrears of salary within a period of three months from the date of receipt of copy of this order.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

