

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11417 of 2021

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Jay Manti Devi Wife of Babulal Chauhan, Resident of Village-Sarai Beldari,
P.S.-Sitamarhi, District-Nawada.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transportation and National Highway Department, Government of India, New Delhi.
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Nawada.
5. The District Magistrate, Nawada.
6. The District Land Acquisition Officer, Nawada.
7. The Additional Collector Cum Public Grievance Redressal Officer, Nawada.
8. The Sub-Divisional Public Grievance Redressal Officer, Nawada Sadar, Nawada.
9. The Circle Officer, Hisua, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
	:	Mr. Ayush Kumar, Advocate
For the Respondent/s	:	Mr.Dr. K.N. Singh (Asg)
	:	Mr. Akshay Bahadur Mathur, C.G.C.
For sTate	:	Mr. Mahtab Alam, AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-12-2022 The present writ petition has been filed for directing the respondents to pay compensation to the petitioner *in lieu of* acquisition of his land situated at old Khata no. 4, old Plot no. 716, New Khata no. 146, New Plot no. 1202, Area-0.372 acre, situated at village-Nasratpur Phulwariya, District- Nawada as also *in lieu of* the double storeyed residential house of the petitioner, which has been demolished by the respondent-



authorities.

This Court had, on the previous occasion, directed the Principal Secretary, Road Construction Department, Government of Bihar, Patna to file a counter affidavit, explaining to this Court as to under what circumstances, the amount of compensation has not been paid to the petitioner *in lieu of* acquisition of her land as also *qua* the demolition of the double storeyed residential house in question, despite the fact that the learned court of Sub Judge-VII, Nawadah has passed a judgment dated 05.06.2018 in Title Suit no. 166 of 2017, thereby confirming her right, title, interest and possession over the land in question.

In reply to the aforesaid query, the learned counsel appearing for the State has submitted that a sum of Rs. 39.72 lacs has already been paid to the petitioner *in lieu of* compensation for the double storeyed residential house of the petitioner, which was demolished by the respondent authorities and as far as the amount of compensation *qua* the land in question is concerned, the same shall be paid immediately, after the Title Appeal, filed by the respondent- State, bearing Title Appeal no. 31 of 2019, is decided by the learned court of District Judge, Nawada, which, according to the learned counsel



for the petitioner, is running on the list for appearance of the petitioner.

The learned counsel for the petitioner, at this juncture, submits that the petitioner would appear before the learned court of District Judge, Nawada in the aforesaid Title Appeal no. 31 of 2019, by taking appropriate steps within a period of four weeks from today. It is directed accordingly.

Having regard to the aforesaid facts and circumstances of the case, this Court deems it fit and appropriate to dispose off the present writ petition with liberty to the respondent- State to pursue the aforesaid title appeal and obtain necessary interim orders, if so advised, within a period of six month from today, failing which, the respondent State shall be obliged to release the amount of compensation, *in lieu of* acquisition of the land in question, to the petitioner herein.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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