

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16050 of 2022

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Santan Prasad Singh S/o Kameshwar Prasad Singh, R/o Village- Umga, P.O.-
Umga, P.S.- Madanpur, District- Aurangabad- 824208.

... .. Petitioner/s

Versus

1. National Highways Authority of India through Chairman, G 5 and 6, Sector-10, Dwarka, New Delhi- 110 075.
2. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Collector, Aurangabad, Bihar.
5. The District Certificate Officer, Aurangabad.
6. The District Land Acquisition Officer, Aurangabad.
7. The Deputy Collector, Land Reforms, Aurangabad.
8. The Superintendent of Police, Aurangabad.
9. The Station House Officer, Madanpur P.S., Dist.- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi, Advocate
For the Respondent/s : Dr. K.N.Singh, ASG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 25-11-2022 Petitioner has prayed for the following relief(s):

“For issuance of appropriate



writs/orders/ directions for directing the respondents to stay the operation of warrant of arrest issued against the petitioner for recovery of compensation amount duly paid to him, by the Certificate Officer, Aurangabad in Certificate Case No. 309 of 2020-2021 pending before the District Certificate Officer, Aurangabad, during pendency of Misc. Appeal No. 61 of 2022 of the petitioner pending before the Collector, Aurangabad preferred against the order of the District Certificate Officer, Aurangabad. The petitioner is not in power and possession of the copy of Warrant of arrest and only when the local police visited his residence for executing such illegal warrant, he came to know about warrant.”

During the pendency of the appeal, as mutually agreed, petition is disposed of in the following terms:

(a) Petitioner shall appear in the office of the appellate authority on 15.12.2022 at 10:30 a.m. along with a copy of this order, on which date documents in support of the appeal shall be filed.



(b) The appellate authority shall consider and dispose of the petitioner's appeal expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such appeal, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to challenge the order passed by the appellate authority, before the appropriate



forum, if so required and desired.

(i) We have not expressed any opinion on merits. All
issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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