

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1524 of 2023

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Lakhindra Sah, Son of Ramswarth Sah, Resident of Village-Katarmala,
Goraul, P.S.-Goraul, Dist-Vaidhali, Pin-844114

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms Department Govt. of Bihar Patna.
2. The Commissioner, Tirhut, Muzaffarpur.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Land Acquisition Officer, Vaishali at Hajipur.
5. The Block Development Officer, Goraul, Dist-Vaishali.
6. The Circle Officer, Goraul, Dist-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Ms. Rishi Raj Sinha, SC-19
		Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 04-07-2023

Learned counsel for the petitioner and learned counsel
for the State are present.

2. The present writ petition has been filed for directing respondent No.4, namely, the District Land Acquisition Officer, Vaishali at Hajipur to make the payment of compensation to the petitioner to the tune of Rs. 10,15, 997/- for the land bearing Mauja -Sahdullapur, Thana No. 16, Khata No.5, Khesra No.1 admeasuring area 0.014 hectare for construction of NH-77 four lanes (Hajipur – Muzaffarpur).



3. Learned counsel for the petitioner submits that the petitioner has not been paid compensation amount rather the authorities have paid the said compensation amount to a wrong person and he is unnecessarily suffering for the same. He further submits that the petitioner approached respondent No.2, namely, the Commissioner, Tirhut Division, Muzaffarpur by filing appeal which was decided in his favour and it was directed in the said appeal that the payment be made to the petitioner after recovery of the said amount from the person to whom payment of compensation had been made wrongly.

4. Learned counsel for the State submits that for realization of the compensation amount Certificate Case No.25 of 2015-16 is going on.

5. Upon going through the pleadings and hearing the parties, it is not in dispute that the land of the petitioner has been acquired by the respondent authorities. It is also clear in law that the payment of compensation has to be made by the authorities to the real claimant, but due to default the said payment had been made to a wrong person and on being realized the said default, the officials have started the certificate proceeding for realization of the said amount.

6. In view of the aforesaid, this Court is of the view



that the petitioner had no fault and he has no role on payment of compensation to a wrong person. Therefore, this Court hereby directs the authority of National Highway Authority of India as well as the District Land Acquisition Officer, Vaishali at Hajipur to ensure payment of the petitioner within 60 days from today. It is further directed that after realizing the said amount which had been paid to a wrong person through certificate officer, they shall keep the same with them.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2023
Transmission Date	NA

