

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.127 of 2018

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1. Md. Kalim Akhtar and Ors son of Ziaul Rahman, resident of Village- Belwat, P.S. Tarabar, District- Araria.
 2. Rajesh Kumar Rai, son of Satya Narayan Rai, resident of Mohalla- Kali Bazar, P.S. and District- Araria.
 3. Md. Kasim Alam, son of Zahuruddin, resident of Mohalla- Azad Nagar, P.S. and District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Araria.
3. The Additional Collector, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

15 23-11-2023

Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to make payment of compensation amount and ad-interim interest to the petitioners in miscellaneous compensation cases in accordance with the calculation chart prepared by the petitioners as that has been prepared in pursuance to the order dated 27.7.1995 passed in CWJC No. 10339/94 and to correct and modify the amount paid to the petitioners in miscellaneous cases as there is gross error in the calculation done by Respondent no. 3 vide letter no.1235 dated 29.5.2017 .

3 . By filing counter affidavit, it is submitted by the



respondents State in paragraph 13 of the counter affidavit that the statement made in para no. 25 of the writ petition in reply to this para it is humbly submitted that the Respondent have obeyed the order passed in CWJC No. 10339\94 and also MJC No. 1877/97. Interest has been paid @ 15% from 31.03.1973 to 31-5- 2017 and @ 2,1\2% from 26.1.1995 to 31.3.1973 as per order of the Hon'ble Court. The petitioner have been paid compensation accordingly in their Bank A\C through RTGS.

4. However, learned counsel for the petitioner disputes the calculation and payment made on behalf the State respondents.

5 . Considering the rival submissions of the parties and the materials available on record, the dispute raised by the parties cannot be decided in the writ petition. The dispute relates to the calculation of compensation, which cannot be decided on the basis of an affidavit. There is a great deal of dispute over the question, which would require a detailed examination of the evidence. The question is best decided by a suit, and proceeding under Article 226 of the Constitution would not be appropriate for the decision.

6. This writ petition is accordingly dismissed with the liberty to seek remedy before the appropriate forum as may be



available to him in accordance with law.

(Prabhat Kumar Singh, J)

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