

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6995 of 2023**

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Suresh Singh Son of Late Antu Singh Resident of Village- Manpur Gopalganj  
Road, Police Station- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Gaya.
2. The District Land Acquisition Officer, Gaya.
3. The Circle Officer, Manpur, District- Gaya.
4. The Dedicated Freight Corridor Corporation of India Limited, Through its Project Manager, Quarter No. 72, Rail Loco Colony Opposite Samudayik Bhawan, near Pani Tanki, Kharkhura, Gaya.
5. The Deputy Project Manager, Dedicated Freight Corridor Corporation of India Limited, Quarter No. 72, Rail Loco Colony Opposite Samudayik Bhawan, near Pani Tanki, Kharkhura, Gaya.

... .. Respondent/s

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**Appearance :**

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|----------------------------------------|---|---------------------------------|
| For the Petitioner/s                   | : | Mr. Jitendra Prasad Singh, Adv. |
| For the State                          | : | Mr. Md. Khurshid Alam, (AAG-12) |
| For the Respondent Nos. (D.F.C.C.I.L.) | : | Mr. Tiwari Shwetketu, Adv.      |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 22-09-2023**

Heard learned counsel for the petitioner, learned  
counsel for the D.F.C.C.I.L. and learned counsel for the State.

2. The present writ application has been filed by the  
petitioner to direct the District Land Acquisition Officer, Gaya  
(R-2) to pay the amount of compensation with suitable interest  
with respect to the land acquired by the D.F.C.C.I.L and amount  
of compensation has been deposited to the Land Acquisition  
Officer, Gaya in the year 2016 itself.

3. Learned counsel for the petitioner submits that

there was admittedly a dispute on the said land which was decided in favour of the petitioner being Title Suit No. 338 of 2009 which was decided against the petitioner vide judgment and decree dated 09.09.2011 but against the said order, Title Appeal No. 29/2011/84/2011 was decided vide judgment and decree dated 17.05.2014 and 31.05.2014 respectively in favour of the petitioner, therefore, counsel submits that the direction may be given to the Land Acquisition Officer, Gaya to make payment with interest.

4. Learned counsel for the D.F.C.C.I.L. submits that as per instruction, payment for the land acquired has already been deposited before the Land Acquisition Officer, Gaya in the year 2016 and possession has been taken.

5. Learned counsel for the State submits that from the pleadings of the writ petition, it transpires that the Second Appeal No. 582 of 2017 is pending before this Hon'ble Court and, therefore, it is requested that till finality of the Second Appeal, no order may be passed in favour of the petitioner.

6. Learned counsel for the petitioner in response submits that the Second Appeal has been filed in the year 2017 but State is intentionally not removing the defect(s) and kept pending this Second Appeal defective.

7. Learned counsel for the State submits that the State shall do all the needful, so that earlier disposal of the Second Appeal may be made.

8. In the light of the submissions made by the parties, the present writ application is disposed of directing the petitioner to appear in the Second Appeal (*suo moto*) and petitioner as well as the State both are directed to pursue the Second Appeal for early hearing, so that this appeal may be disposed of within one year.

9. If within one year, stay shall not be taken, then in that case liberty shall be with the petitioner to receive the payment, subject to decision of the case.

**(Dr. Anshuman, J.)**

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