

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14145 of 2015

- 1.1. Sabitri Devi W/o Late Saryoo Lal Resident of Village Buchamoin, P.O.- Basdeopur Bira, P.S. Basdeopur Bira, District- Darbhanga.
- 1.2. Suman Kumar S/o Saryoo Lal Resident of Village Buchamoin, P.O.- Basdeopur Bira, P.S. Basdeopur Bira, District- Darbhanga.
- 1.3. Vijay Kumar S/o Late Saryoo Lal Resident of Village Buchamoin, P.O.- Basdeopur Bira, P.S. Basdeopur Bira, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Union Of India
2. The State of Bihar through chief Secretary, Bihar, Patna.
3. The Secretary Revenue Department, Govt. of Bihar, Patna.
4. The Commissioner Darbhanga.
5. The Collector, Darbhanga.
6. The District Land Acquisition Officer, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Sinha, Advocate
For the Respondent/s	:	Mr. AB Sinha, GA 8
		Mr. UK Singh, AC to GA 8

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioners and the State.

2.Writ petition has been filed for directing the respondents to pay compensation for 0.34 hectare of the land as mentioned in paragraph 5 of the writ petition as per the provisions of ‘the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013’. Petitioners have already been paid compensation for the said land in 2015.



3. Learned counsel for the petitioners submits that for getting compensation in lieu of acquired land measuring 0.034 hectare, original petitioner Saryoo Lal had filed C.W.J.C.No. 11414 of 2013 which was disposed of on 23.6.2014 with direction to the respondent authorities to pay admitted amount with interest. A copy of order is contained in annexure 5. Petitioner also filed MJC No.3937 of 2014. Ultimately he received the compensation amount in his bank account on 19.11.2014 and 9.5.2015 and said contempt petition was dismissed vide order dated 24.6.2015. A copy of order is contained in annexure 6 to the writ petition.

4. Learned counsel for the State has filed counter affidavit. In paragraph 6 thereof, it is stated that in compliance of order of this Court dated 23.6.2014, passed in C.W.J.C.No. 11414 of 2013 and order dated 15.4.2015, the amount of interest @ 15% per annum has already been deposited in the bank account of the petitioners vide bank receipt dated 9.5.2015 (annexure B to the counter affidavit). It is further stated that award of the acquired land has already been paid and physical possession of the land has been delivered to the requisitioning Department so the question of determination and payment of compensation to the writ petitioners does not arise in view of



section 24 of the new Act. Learned counsel for the State lastly submits that once the case of the petitioner for getting compensation has already been adjudicated by this Court, the matter is no longer surviving for adjudication and the same is also barred by the principle of res judicata.

5. It is settled law that a party cannot file successive writ petition over the self same matter on a different ground when the earlier petition is disposed of on merits as contested matter. It is barred by the principle of res judicata.

6. In view of the aforesaid reasons, the writ petition is dismissed.

(Prabhat Kumar Singh, J)

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