

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.309 of 2018

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Kamlesh Kumar Sinha

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.

For the State/s : Mr. Sajid Salim Khan- SC-25

For the I.T.B.P/s : Mr. Abhay Shankar Jha, CGC

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

13 17-08-2023 Learned counsel for the petitioner and counsel for the State are present.

2. Counsel for the petitioner has filed writ petition to make payment of compensation amount for his land bearing Khata No. 213, Plot No. 793 (part) Rakawa- 616 Sq.ft. (about ½ Katha) situated at Mauza- Nawada, Thana No.- 39, Anchal- Phulwari Sharif, District- Patna.

3. By way of third supplementary counter-affidavit, the stand taken by respondent No.2 is that after measurement of the land, the part of the land about ½ Katha and Khata No. 213, Plot No. 793 falls within the boundary wall of respondent No.2. Counsel for respondent No.2 fairly submits that this happened due to wrong measurement done by the Amins. Counsel submits that the correct measurement has annexed Annexure- R/11.

4. Counsel for the respondent No.2 submits that in

this view of the matter, petitioner is entitled for payment of compensation for which he needs certain time in the light of the acceptance made by the counsel for the respondent No.2.

5. As such, this court directs that for the land of the petitioner, respondent No.2 shall do all the needful so that payment to the petitioner for his land, shall be made within 6 months from today.

6. Counsel for respondent No.2 has filed I.A. No. 01 of 2023 for exemption of cost of Rs. 10,000/- against the respondent No.2, due to non-compliance of order dated 03.07.2023. Counsel for respondent No.2 has already deposited the said cost to Patna High Court Legal Services Committee. Since the compliance of order has been made, therefore, the I.A. No. 01 of 2023 become infructuous.

7. From the circumstances shown in the said I.A., it transpires to this Court that there is no laches on the part of respondent No. 2 or their officials. Since the cost has already been deposited, therefore, no action shall be taken against anyone.

8. With this direction, this writ petition stands disposed of.

(Dr. Anshuman, J.)

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