

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1638 of 2023

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Nishant Kumar, Son of Late Ram Baran Prasad @ Babu Chand Gope,
residing at 110, Old Kankarbagh, P.S. - Patrakar Nager, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Jainendra Kumar Pushkar, Advocate
For the State	:	Mr. Birendra Prasad Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 30-01-2024

1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. This writ application has been filed for the
following reliefs:-

- “(i) For issuance of an appropriate writ, order or direction directing and commanding the respondents immediately to pay the petitioner the amount of compensation for the land of the petitioner and his brothers measuring 0.334 acres pertaining to Plot No. 240 of Mouza- Kankarbagh, District- Patna which was/has been acquired by the respondents along with other lands for construction of the houses/Nalanda Medical College, Patna.
- (ii) For issuance of an appropriate writ directing and commanding the respondents to pay the petitioner interest for the period the amount of compensation has not been paid or is not paid to the petitioner and his brothers.
- (iii) For any other relief/reliefs of which the petitioner is



legally entitled to.”

3. Case of the petitioner in short is that the father of the petitioner had a land pertaining to Plot No. 240, Mauza-Kankarbagh, District- Patna. For the purposes of construction of houses and Nalanda Medical College, along with other plots and lands of Mauza- Bahadurpur and Kankarbagh, the aforesaid land of father of the petitioner was acquired by the respondent-Authorities. After acquisition of the aforesaid lands, including land of the father of the petitioner, the matter for determination of the compensation amount was referred under Section 18 of the Land Acquisition Act to the learned Special land Acquisition Judge, IV, Patna. The learned Special land Acquisition Judge, IV, Patna, vide order dated 27.05.1989 finally disposed of all the L.A. Cases including the case of the father of the petitioner bearing L.A. Case No. 33 of 1979. Against the aforesaid order dated 27.05.1989 passed in L.A. Case No. 34 of 1948 and analogous cases, including L.A. No. 33 of 1979, the respondent-State filed First Appeal No. 596 of 1989. During pendency of the aforesaid First Appeal No. 596 of 1989, on 28.03.2006, vide Challan No. 1780, the State of Bihar deposited the decreed



money amounting to Rs. 1,13,672.71/- in the court of learned Special land Acquisition Judge-IV, Patna in L.A. Case No. 33 of 1979. Due to pendency of the aforesaid First Appeal No. 596 of 1989, father of the petitioner was not paid the aforesaid decreed amount, which was for compensation of the aforesaid land of the father of the petitioner which was acquired. Unfortunately during pendency of the aforesaid First Appeal No. 596 of 1989, the father of the petitioner namely Ram Baran Prasad @ Babu Chand Gope died on 30.03.2007. Thereafter on 03.05.2012 the aforesaid First Appeal No. 596 of 1989 was listed before the Hon'ble Lok Adalat. Upon prayer made by the learned counsel for the State of Bihar, vide its order dated 03.05.2012, the Hon'ble Lok Adalat was pleased to dispose of the said First Appeal as withdrawn. The Hon'ble Court was further pleased to confirm the aforesaid Award dated 27.05.1989 passed by the learned Special Land Acquisition Judge-IV, Patna. Just after coming to know about all the aforesaid facts as well as disposal of the aforesaid First Appeal No. 596 of 1989, the petitioner along with his brothers on 16.11.2018 filed a petition before the learned Special Land Acquisition Judge-IV, Patna and prayed



for payment of the amount of compensation in light of the aforesaid order dated 03.05.2012 passed in First Appeal No. 596 of 1989. Thereafter the petitioner is running from pillar to post but till date the petitioner and his brothers have not been paid the amount of compensation for the aforesaid land which was acquired much prior in the year 1979.

4. In this case a counter-affidavit has been filed on behalf of the State. It is contended by learned counsel for the State that during pendency of First Appeal No. 596 of 1989 filed by the State, the decreed money amounting to Rs. 1,13,672.71 has already been deposited in the court of learned Special Land Acquisition Judge-IV, Patna, in L.A. Case No. 33 of 1979, vide Challan No. 1780 dated 28.03.2006.

5. In the aforesaid facts and circumstances, it is not in dispute that the compensation amount, after preparation of the award including the additional compensation, solatium and statutory interest, has already been deposited by the respondent-Authorities in the court of learned Special Land Acquisition Judge-IV, Patna.

6. In view of the aforesaid facts and circumstances, no further orders are required to be passed. The petitioner is at liberty to move before the concerned authority, in accordance



with law, and withdraw the amount.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2024
Transmission Date	NA

