

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8082 of 2023

Sandhya Devi Wife of Late Awadhesh Kumar Singh @ Awadhesh Kumar @ Rao Awadhesh Kumar Tilakchandi (Retired Indian Air Force personnel) resident of Village-Pillui, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Saran, Chapra, District-Saran at Chapra.
2. The Commissioner Saran Division, Chapra.
3. The Deputy Inspector General of Police, Saran Range, Chapra.
4. The Collector, Saran, Chapra, District-Saran at Chapra.
5. The Superintendent of Police, Saran, Saran at Chapra.
6. The Additional District Magistrate, Saran, Saran at Chapra.
7. The Sub-Divisional Magistrate, Sadar Chapra, District-Saran at Chapra.
8. The Deputy Collector Land Reforms, Sadar Chapra, District-Saran at Chapra.
9. The Block Development Officer, Block-Manjhi, District-Saran at Chapra.
10. The Circle Officer, Manjhi, District-Saran.
11. The Revenue Karamchari, Circle-Manjhi, Enayatpur Panchayat, District-Saran at Chapra.
12. The Panchayat Sewak, Block-Manjhi, Enayatpur Panchayat, District-Saran at Chapra.
13. The S.H.O. Daudpur Police Station, Daudpur, District-Saran at Chapra.
14. Baidyanath Sah son of Late Shedhari Sah, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
15. Dhanpatiya Kuer Wife of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
16. Rajendra Bhar, son of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
17. Yogendra Bhar, son of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
18. Nagendra Bhar, son of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
19. Tuntun Bhar, son of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at



Chapra.

20. Sikandar Bhar, son of Late Satan Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
21. Balmati Devi, Wife of Jagnarayan Ram, resident of Village-Daya Chhapra, Post Office-Raghunathpur, Police Station-Raghunathpur, District-Siwan.
22. Chandrawati Devi, Wife of Narayan Ram, resident of Village-Daya Chhapra, Post Office-Raghunathpur, Police Station-Raghunathpur, District-Siwan.
23. Mohani Devi Wife of Ram Pukar Ram, D/o Late Satan Bhar, resident of Village-Deopura, Post Office-Chainpur, Police Station-Chainpur, District-Siwan.
24. Umrawati Devi, Wife of Binda Ram, daughter of Late Satan Bhar, Resident of village-Nadiyawan, Post Office-Andar, Police Station-Andar, District-Siwan.
25. Bora Devi, Wife of Radhe Shyam Ram, daughter of Late Satan Bhar, Resident of village-Nadiyawan, Post Office-Andar, Police Station-Andar, District-Siwan.
26. Sumitra Devi, Wife of Late Sudama Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
27. Gautam Prasad, son of Late Sudama Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
28. Ramayan Bhar, son of Marai Bhar, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.
29. Jaipal Bhar @ Jaglal Bhar, son of Baidyanath Sah, Resident of Village-Enayatpur, Tola Dudhaila, Post Office-Enayatpur, Police Station-Daudpur, District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, S.C.-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 15-03-2024 Heard the parties.

2. The present petition has been preferred for the following reliefs:-

(i) to issue an appropriate writ/writs,



order/orders, direction/directions in the nature of mandamus for commanding the respondent authorities directed that they make payment to the petitioner as per order passed by this Hon'ble court in L.P.A (Letters Patent Appeal) No. 701/2007) in which this Hon'ble court held that, “we are of the view that state has rightly offered to pay market price of 96 decimals of land to the respondents. Such present market price should be determined and paid to the respondents at the earliest and in any case within three months, failing which it shall carry interest at the rate of 15% per annum. The State will be free to realize interest from the officers found responsible for delaying the payment of market price and further also held by this Hon'ble Court that so far as dispute relating to 40 decimals of land in possession of five persons who claimed possession on account of purcha obtained through proceedings under Bihar Privileged Persons(Homestead) Tenancy Act as well as in respect of land shown to be in possession of seven



strangers without purcha is concerned, we are of the view that state cannot be held responsible for creating possession over those lands because the possession, as claimed by the persons found in possession, is on account of either legal proceeding against the landholders under the Bihar Privileged Persons (Homestead) Tenancy Act or on account of alleged settlement, verbal or otherwise, made by the Mahanth. May be, the respondents can show better title and claims for possession over those lands but that must be done through an appropriate proceeding. The respondents will be free to pursue their claim of profits title, possession or mesne profits over those lands in accordance with law through appropriate proceeding" and the same was disposed by this Hon'ble court by Hon'ble Acting Chief Justice Shiva Kirti Singh and Hon'ble Mr. Justice Shyam Kishore Sharma on 17.11.2009;

(ii) to issue an appropriate writ/writs, order or direction for institution of a high level inquiry that after specific direction of this Hon'ble



court the respondent authorities, in which circumstances they not paid the compensation amount to the petitioner at the rate of 15% interest at present market price rather the order passed by this Hon'ble court on 17.11.2009 and after lapse of 13 (thirteen years) years the total compensation amount has not been paid to the petitioner. She is a widow of retired Air Force Personnel;

(iii) to issue further appropriate writ, order or direction commanding the respondent authorities to directed the rest compensation amount will be paid without any delay, which has been due before the respondent authorities to the petitioner as per market price with interest at the rate of 15% as per direction of this Hon'ble court passed in LPA No. 701/2007 to the petitioner within a reasonable time;

(iv) this Hon'ble court may further adjudicate and hold that the action of respondent No. 4 neglecting his undertake to make payment to the petitioner according to market rate but nothing has been done and unfortunately the husband of



petitioner died on 19.04.2017 and now petitioner pursue the matter but is an act of mala fide and complete arbitrary exercise of authority/power the payment has not been done;

(v) this Hon'ble court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the respondent authorities.

3. It is the case of the petitioner that despite the order passed in appeal (L.P.A. No. 701 of 2007 disposed of on 17.11.2009) by which direction was given to pay on market rate, the said payment has not been made.

4. The order was passed on the appeal of the State of Bihar which was allowed by the Appellate Court in which one of the respondent was the husband of the petitioner, Awadhesh Kumar Singh. Actually, the appeal of the State was allowed accepting its view.

5. A counter affidavit on behalf of the respondent-District Land Acquisition Officer, Saran has been filed and paragraphs 6 and 7 read as follows:-

“6. That as far rate calculated and claimed by the Petitioner on the basis of annexure-



08 of the writ application it is relevant to make clear that said information was given by the Sub-Registrar, Ekma as per the year 2019 rather order for payment was passed in the year 2009 therefore, the petitioner cannot take advantage of the MVR of the year 2019.

7. That accordingly after meticulous calculation as per the MVR of the year 2009 (Rs/- 28,500.00 x 96 decimal = total Rs/- 27,36,000.00) the then Collector, Saran vide letter no.- 201/Mu. dated 23.12.2009 requested the Principal Secretary, Revenue & Land Reforms Department, Bihar Patna to make available the allotment of Rs/- 27,36,000.00 so that payment can be made in favour of the person who is entitled of it.”

6. From the aforesaid facts, it is clear that after the Appellate Court order, the compensation amount was paid to the husband of the petitioner duly accepted by him and went to his account. According to learned Counsel for the petitioner, Awadhesh Kumar Singh died in the year 2017, there is nothing on record to show that after the payment was made in the year 2011, the husband of the petitioner ever agitated for the next six years till he died.

7. After his death, the widow once again on the basis of one R.T.I. information has started agitating the matter stating



that the full compensation amount has not been made.

8. The writ is frivolous, ill advised and fit to be dismissed with cost but for the fact that the lady is a widow.

9. The writ petition stands dismissed.

10. A cost of Rs. 2,000/- is imposed upon office of Standing Counsel-19 for not stating the fact that who has sworn the affidavit as the first page shows that the counter affidavit has been filed on behalf of the **blank**. The amount will go to Bihar State Legal Services Authority within a period of four weeks from today.

(Rajiv Roy, J)

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