

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10128 of 2023

1. Chintu Kumar Son of Late Kameshwar Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad.
2. Digambar Singh @ Digmabar Kumar Son of Late Dinanath Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad.
3. Pushpa Devi Wife of Late Shiv Kumar @ Bigen Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad.
4. Kajal Kumari D/o Shiv Kumar @ Bigan Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad. Minor under the guardian ship of their mother, Mrs. Pushpa Devi (Petitioner No. 3)
5. Kumkum Kumari D/o Shiv Kumar @ Bigan Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad. Minor under the guardian ship of their mother, Mrs. Pushpa Devi (Petitioner No. 3)
6. Krish Kumar S/o Shiv Kumar @ Bigan Singh, Resident of Utari Daulatpur, Adaluchak, P.S.- and District- Jehanabad. Minor under the guardian ship of their mother, Mrs. Pushpa Devi (Petitioner No. 3)

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Jehanabad (Bihar).
2. District Land Acquisition Officer, Jehanabad (Bihar).
3. D.D. O., Civil Court, Jehanabad, Bihar,
4. Shankar Das Son of Late Banarsasi Das, R/o Mohalla - Khatri Tola, Jehanabad, P.S.- and District- Jehanabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Singh, Sr. Advocate
For the State	:	Mr.Sajid Salim Khan, SC-25
For respondent no.4	:	Mr. Amit Narayan, Advocate
		Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 18-04-2024 Heard Mr. Rajesh Kumar Singh, learned Senior Counsel appearing on behalf of the petitioners and Mr. Sajid Salim Kham who represents the State.

2. The petitioners have prayed for the following reliefs:



(i) to issue an appropriate writ/writs, order/orders, directions commanding the respondents, authority to disburse and deposit the compensation amount of Rs. 6,50,64,419.43 (Six Crore Fifty Lakh Sixty Four Thousand Four Hundred Nineteen and Forty Three Paise) in the Account of the petitioners in the light of the order dated 25.06.2022 of learned District Judge, Jehanabad passed in Civil Miscellaneous Case No. 12 of 2021;

(ii) to grant any other relief(s) for which the petitioners may be found entitled to in the peculiar facts and circumstances of the case.

3. Learned Senior Counsel submits that sale-deed was executed in the year 1949, the family of those who executed never challenged the same. When it was proposed to be handed over for acquisition for construction of NH-83, the petitioners were to receive compensation, objection came from the other side.



4. Aggrieved, the petitioners preferred Civil Miscellaneous Case No. 12 of 2021 under section 34 of the Arbitration and Conciliation Act, 1996 (henceforth for short 'the Act') and by a reasoned order dated 25.6.2022, the same was decided in their favour.

5. Due to dispute, the State, as per the counter affidavit has already deposited the amount with the Court, the Execution Case No. 21/2022 (para-10 of the petition) has already been preferred before the Civil Court but the same has not been taken to its logical conclusion.

6. Respondent no.4 was put on notice by a coordinate bench on 12.10. 2023. He has since appeared and informed that Miscellaneous Appeal Case No. 361 of 2022 has been preferred against the order which is pending. He however, concedes that no interim relief has been granted to him.

7. The State though filed counter affidavit and according to which, entire money has been deposited with the Civil Court.

8. Learned Senior Counsel submits that it would suffice, if the Execution Case No. 21 of 2022 is taken to its logical conclusion as already much water has flown down the ganges and the petitioners failed to get fruits of the payment for



the land that the family got in the year 1949.

9. Considering the aforesaid facts as also that the Execution is pending for long, it is high time that the Court decide the said matter after hearing all the concerned parties and take the same to its logical conclusion preferably within a period of four months from today.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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