

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20929 of 2018

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Faijul Haque S/o Abdul Rahman R/o Chatargachh (Balasan), P.S.- Pothia,
District- Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Kishanganj
2. The Collector, Kishanganj
3. The District Land Acquisition Officer, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
	:	Ms. Chitra Dwivedi, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2025 Heard Ms. Chitra Dwivedi, learned counsel for the
petitioner and Mrs. Nutan Sahay, learned AC to AAG-12.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) for quashing the letter No. 30
dated 21.07.2018 and letter No. 2993 dated
23.07.2018 issued by respondent No.3 the
District Land Acquisition Officer, Kishanganj,
whereby notice has been issued to the petitioner
to refund the excess amount of Rs.9,14,678/-,
which was paid to the petitioner as a
compensation of lands acquired for construction
of barrier (Bandh) under the Land Acquisition*



Act.

(ii) for further direction to restrain the respondent No.3 from taking any coercive action against the petitioner in pursuance of the aforementioned notices.

(iii) for any other relief/reliefs for which the petitioner is entitled in the eye of law.”

3. A counter affidavit has come on behalf of the respondent no.1 to 3 duly put on affidavit by the District Land Acquisition Officer, Kishanganj and paragraph no. 8 to 12 shows that 2.12 acres of land of the petitioner was acquired for the construction of barrier to protect Dr. Kalam Agricultural College, Kishanganj. However, due to error in calculating the amount, compensation amount of Rs.45,67,099/- was paid instead of Rs.36,52,421.

4. The contention of the respondent is/are that when the payment is made, an undertaking is being taken that in case there is any error, the person concerned shall be returning the amount. The petitioner also gave the said undertaking and the payment was made. It is/was in that background, that request letter was made to pay the excess amount paid to the petitioner.

5. It is to be noted that the copy of the counter



affidavit was served upon the learned counsel for the petitioner on 24.01.2019 and there is no rebuttal to the said statements made by the State respondents.

6. In that background, this Court is of the opinion that the petitioner should approach the concerned respondent, the District Land Acquisition Officer, Kishanganj who shall be duty bound to provide the calculation chart to show how the payment of excess amount has been made.

7. Needless to add, if the chart is to be found in order, the petitioner is required to return the amount.

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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