

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1811 of 2015

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Shyam Kumar Sah S/O Asharfi Sah Resident of vill-Talkhapur Dumra,P.S-
Dumra,Distt.-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate,Sitamarhi
3. The District Land Acquisition Officer,Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. N. Mishra, Adv. Mr. Ritesh Agrawal, Adv/ Mr.Dinesh Jha, Adv.
For the Respondent/s	:	Mr.AAG15- Yogendra Pd. Sinha
For the State	:	Mr. Shankar Kumar, Jr. to AAG-7

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

12 08-04-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ petition has been filed for issuance of
appropriate writ/writs, direction/directions, order/orders,
commanding the respondents to discharge their statutory
obligations objectively and for grant of following reliefs to the
petitioner:-

*(i) For quashing the order dated 22.06.2012
passed by the District Land Acquisition
Officer, Sitamarhi whereby and whereunder
the claim of the petitioner was illegally
rejected with observation that the order of
the Hon'ble Court passed in Case No. 4796*



of 2012 is not effective.

(ii) For giving direction to the Respondents to pay compensation to the petitioner for this land bearing plot no. 374 (old) 1024 (New) acquired for the I.T.I project Sitamarhi in terms of Judgment dated 14.08.1991 passed by the Learned Sub-Judge-1, Sitamarhi in Land Acquisition case no. 3/88 and Land Acquisition case no. 4/88 whereby compensation at the rate of Rs. 8,000/- and interest per Kath ahs been awarded for the plot No. 1035 (old) 2458 (New) to Shanker Prasad Bhartia acquired for the Bagmati Project Sitamarhi, whose land was adjacent and same type and class of land of the petitioner.

(iii) For direction to pay due amount of establishment and Emergency cost of Rs. 9,948.35 paise as per award and interest of due amount of Rs. 1,31,193.99 paise which was kept due for about 18 years by the respondents.

(iv) For any other relief/reliefs for which the petitioner may be deemed entitled too.

3. The land of the petitioner was acquired in the year, 1972 for ITI Project.

4. From perusal of the impugned order dated 22-06-2012 passed by the District Land Acquisition Officer, Sitamarhi, it appears that the awarded amount of compensation payable to the petitioner was Rs. 1,50,937.50 and after deduction of the



amount already paid to the petitioner, the total amount came to Rs. 77,421.55 and after calculating the interest thereon during the period 31-10-1975 to 28-02-1993, the interest payable thereon came to Rs. 1,21,245.65 and out of which, only Rs 77721.55 was paid to the petitioner on 08-06-1993. The rest amount Rs. 121,245.65 could not be paid due to scarcity of fund and it was paid to the petitioner on 30-09-2011.

5. In my view, due to scarcity of fund to the State Government, the petitioner shall not suffer the monetary loss.

6. Accordingly, the District Land Acquisition Officer, Sitamarhi (respondent No. 3) is directed to calculate the interest as per provisions of Section 34 of the Bihar Land Acquisition Act, 1894 on the above noted amount of Rs. 1,21,245/- from 08-06-1993 to 30-09-2011 and the amount should be paid to the petitioner within a period of three months from passing of this order.

7. With the aforesaid observation(s) and direction, this writ petition stands disposed of.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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