

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19443 of 2018

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Smt. Meena Devi W/o Madan Ram, R/o Village- Mahavir Tola Chulhaichak, Dahanuth, P.O.- Sahayanagar, P.S.- Danapur, District- Patna, at present residing at Village- Hasanpura, P.O.- Phulwarisharf, P.S.- Anishabad, Phulwari, District- Patna.

... .. Petitioner/s

Versus

1. Union Of India and Ors
2. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
3. The Chief Engineer Construction, East Central Railway, Mahendru Ghat, Patna.
4. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar.
5. The Chief Administrative Officer, East Central Railway, Mahendru Ghat, Patna.
6. The Executive Engineer, Patna West Building Division, Danapur, Patna.
7. The Assistant Engineer, Building Sub-Divisiona, Danapur, Patna.
8. The District Magistrate, Patna.
9. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy -Gp18
For UOI	:	Mr. Dr. Maurya Vijay Chandra, Sr. Panel

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 01-12-2025 Heard the parties.

2. The present application has been preferred:

for issuance of writ or writs in the nature mandamus commanding/ directing the official Respondents to pay the compensation on the revised report submitted by the Respondent No- 6 & 7 on 28-12-12 by which they submitted their report in light of the letter no- 135 अनु/भूअर्जन, dated 22.9.12



issued under the signature of Respondent No-9 by which it was asked to submit report after calculating the valuation of Building which was acquired for the project of Railway namely "Ganga Rail Bridge-cum-Road construction scheme" vide L.A case No-17/2006-07 and in light of the said letter the official Respondents namely Respondent No- 6 & 7 submitted their report on 28.12.12 itself but even then the concerned officials are not taking any pain to pay the compensation amount which is arbitrary and against the well settled principal of law and as such they be directed to pay the revised compensation amount along with interest @ 18% per annum.

3. The lady-petitioner came before this Court with a simple prayer to pay the minuscule compensation amount on the revised report submitted by the respondent no. 6, the Executive Engineer, Building Division, Patna West, Danapur, Patna and which is part of the record as Annexure-3 to the petition.

4. Matter relates to the land situated at **Village-Chulhaichak** (Dhanauth), **Khata No. 455, Khesra No. 1687 (area-0.020 acre)** which came under acquisition proceeding for rail bridge construction on the river Ganga which led to Land Acquisition Case No. 17 of 2006-07. Earlier, she received the



compensation amount for the land but on her petition to evaluate the building existing on it; the report in aforesaid (Annexure-3) came to be issued by the Executive Engineer, Building Construction Department, Patna West, Building Division, Danapur on 12.01.2013.

5. The amount for 12ftX10ft=120 sq. feet was valued at 39,025.00 and as the age of the building was fifteen years, it was brought down to **Rs. 32,068/-**. The joint report submitted by the Executive Engineer and the Assistant Engineer dated **28.12.2012** is part of the letter dated 12.01.2013.

6. Learned counsel for the petitioner submits that for seven years, since the writ petition has been filed, the lady has still not been provided the said amount.

7. Counter affidavit has come on behalf of the respondent nos. 1, 3, 4 and 5 duly signed by the Executive Engineer, Ganga Bridge and learned counsel, Dr. Maurya Vijay Chandra has taken this Court to paragraphs 6 and 11 to show that whatever amount was asked for, has been deposited and they have not received any further request from the State warranting payment, if at all, the request is made, they shall be taking appropriate steps.

8. The State, on the other hand, under wrong notion



and has filed counter affidavit stating that she is not entitled for any job in railways. It is to be noted and informed by learned counsel for the petitioner that probably the reply relates to second petition preferred by the petitioner.

9. As recorded above, there is no counter affidavit on behalf of the State, their own office in the year 2013 evaluated the price of the structure of the petitioner to be Rs. 32,068/-. Twelve years on, no payment has been made.

10. In the said background, the writ petition is disposed of directing the **respondent nos. 8 and 9, the District Magistrate, Patna and the District Land Acquisition Officer, Patna** to immediately pay **Rs. 32,068/- by 31st December, 2025** failing which she will be entitled to nine per cent interest effective **1st January, 2026**. If the payment is still not made by **31st March, 2026**, the respondents shall be making additional payment of Rs. 25,000/- to her on 1st April, 2026 onwards.

11. The petitioner is free to take steps to agitate the matter so far as interest/solatium part is concerned as admittedly inordinate delay has been made on the payment of the amount (Rs. 32,068/-), the report being of the year 2013. The aforesaid order has been passed considering the submission of the learned counsel for the petitioner that till date, the payment has not been



made. If the payment has been made, no further step is to be taken and if the payment has not been made, she will be entitled to an additional cost of Rs. 5,000/- which has to be cleared along with Rs. 32,068/- by 31st of December, 2025.

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

(Rajiv Roy, J)

Vijay Singh/-

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