

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4772 of 2019

In
Civil Writ Jurisdiction Case No.11403 of 2013

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Bishwanath Prasad Son of Late Krit Thakur, Resident Of Village- Harpur-Hathdor, Post.- Sona Gopalpur, P.S.- Gaurichak, Distt.- Patna At Present Village And P.S. Sampatchak, P.O.- Bairiya, Distt.- Patna.

... .. Petitioner/s

Versus

1. Sri Kumar Ravi, S/o not Known to the Petitioner. District Magistrate, Patna Collectariate Distt.-Patna
2. Mr. Pankaj Patel, the District Land Acquisition Officer, Patna, Collectariate, District-Patna.
3. Mr. MUkul KUmar Jha, Circle Officer, Block-Sampatchak, District-Patna
4. Executive Engineer, Rural Works Department, Patna Works Division, Daroga Rai path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Atul Kumar Pandey

For the Opposite Party/s : Mr. Majid Mahboob Khan, A.C. to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 04-11-2025

1) Heard learned counsel for the petitioner and leaned counsel appearing for the respondent-State.

2) This contempt petition was filed alleging violation of the order dated 22.04.2019 passed in C.W.J.C. No. 11403 of 2013, wherein this Court has passed the following order :-

“The grievance of the petitioner in the present case is that his raiyati land has been used for construction of public road without following appropriate procedure and without payment of compensation.

Considering the simple dispute involved in the present writ application, the present writ application



disposed of with direction to the District Magistrate, Patna to cause an enquiry into the claim of the petitioner that the land in question is raiyati land of the petitioner. After the enquiry and on verification of the relevant record if the District Magistrate, Patna come to the Necessary decision with regard to the nature of the land in question shall be taken by the District Magistrate, Patna within a maximum period of four months and thereafter within a further period of one month the District Magistrate is required to pay the compensation to the petitioner if it is found that the land is the private land of the petitioner.

With the aforesaid, the present writ application stands disposed of.

3) The Opposite Party No.1 and 2 appeared and filed the show cause wherein in paragraph No.5, 6, 7 and 8, it was stated as under :-

5. That in light of the order passed by the Hon'ble Court, an enquiry was conducted with regard to the land in question pertaining to plot No. 1476, khata no. 141, thana no. 126, Mauza-sohagi by the Circle Officer, Sampatchak. It has been observed that 8.636 dec, of land has been used for construction of the road. The calculation of the compensation amount had been done in light of resolution no. 1372 dated 11-12-2018 issued by the Revenue and Land Reforms Department, Govt. of Bihar which amounts to be Rs. 38,53, 815/- only. The said amount has been approved by the District Land Acquisition Officer, Patna dated 16-03-2020.

6. That the Collector, Patna vide letter no. 488, dated 19-03-2020 (Annexure-B) has directed the Executive Engineer, Rural Works Deptt., Work Division, Patna to ensure the payment of the aforesaid compensation amount.

7. That the District Land Acquisition Officer, Patna vide letter no. 1117. Dated-18.09.2020, letter no,-



1344, dated-08.12.2020 and letter no,-1469, dated-28.12.2020 (Annexure-C Series) had directed the Executive Engineer, Rural Works Department, Work Division, Patna to send the report with regard to the payments of the petitioner, the stating that calculation chart and permanent address along with mobile number of Sri Prasad had been sent Bishwanath earlier.

8. That the Executive Engineer, Rural Works Department, Work Division, Patna has passed office order vide memo no-195, dated- 10.02.2021 (Annexure-D) whereby approval has been made for payment of the compensation amount of Rs. 38,53,815.00 (Thirty Eight Lakhs Fitty Three Thousand Eight Hundred and Fifteen Only) to the petitioner Bishwanath Prasad in his account No-30932172036, S.B.I, Sampatchak Branch through CFMS.

4) In light of above statements made by Opposite Party No.1 and 2, this Court by order dated 18.09.2025 directed for impleading Executive Engineer, Rural Works Department, Patna Works Division, as Opposite Party No.4. Consequently, the Executive Engineer, Rural Works Department, Patna Works Division, was impleaded as Opposite Party No.4.

5) From the order dated 24.09.2025, it is reflected that the learned counsel appearing for the respondent-State had submitted that he had not received any instruction either from the opposite party No.1 or the Opposite Party No. 4 regarding the orders passed in the writ petition. This Court had thus no option but to direct the presence of the Executive Engineer, Rural Works Department, Patna Works Division to be present in person to answer as to why the order passed in writ petition was not



complied with. Thereafter, from the order dated 26.09.2025, it is further reflected that although the Executive Engineer, Mr. Ranjeet Kumar, was personally present but he did not file any record showing compliance of the order dated 22.04.2019 passed in C.W.J.C. No.11403 of 2013 nor made any submission that the order passed in writ petition had been complied. Resultantly, next date was fixed in the matter and again the Executive Engineer, Rural Works Department, Patna Works Division, was directed to be personally present in the Court to apprise this Court about the compliance of the order passed in the writ petition. As a result of this order passed on 26.09.20205, Mr. Ranjeet Kumar, Executive Engineer, Rural Works Department, Patna Works Division, is personally present today, to apprise this Court about the compliance of the order passed in the writ petition.

6) A Show cause has been filed today on behalf of Opposite Party No.4, Mr. Ranjeet Kumar, wherein in paragraph 5 and 6, it has been stated as follows :-

5. That it is very humbly submitted that the Executive Engineer, Rural Works Department, Works Division-Patna vide his letter No. 296 dated 16.09.2025 issued sanction order for making payment of the compensation amounting to Rs.38,53,815/- to the petitioner.

6. That pursuant to the aforesaid sanctioned order the compensation amount has been credited into the SBI Bank Account No. 30932172036 of the petitioner through Comprehensive Financial Management System



(CFMS) on 26.09.2025 which is evident from CFMS Report.”

7) From the above statement made by Opposite Party No.4, Mr. Ranjeet Kumar, it is clear that amount of Rs.38,53,850/-, in compliance of the order passed in writ petition, has been deposited, by crediting the amount in the bank account of the petitioner. This has been done on 26.09.2025. Learned counsel appearing for the petitioner confirms this position that the amount has been received in the bank account of the petitioner. Finally, the order passed in the writ petition has been complied but after inordinate delay of several years. The question, therefore, which arises now is **why should the petitioner be not entitled to payment of reasonable interest on the delayed payment of the compensation or rather, why the opposite party No.4 be not ordered to pay interest for not making payment within the time stipulated in the writ order?**

8) In the writ petition, the final order was passed on 22.04.20219. In paragraph 5, 6, 7 and 8 of the first show cause filed by the Opposite Party, it was stated as follows :-

5. That in light of the order passed by the Hon'ble Court, an enquiry was conducted with regard to the land in question pertaining to plot No. 1476, khata no. 141, thana no. 126, Mauza-sohagi by the Circle Officer, Sampatchak. It has been observed that 8.636 dec, of land has been used for construction of the road. The calculation of the compensation amount had been done in light of resolution no. 1372 dated 11-12-2018 issued by the Revenue and Land Reforms



Department, Govt. of Bihar which amounts to be Rs. 38,53,815/- only. The said amount has been approved by the District Land Acquisition Officer, Patna dated 16-03-2020.

6. That the Collector, Patna vide letter no. 488, dated 19-03-2020 (Annexure-B) has directed the Executive Engineer, Rural Works Deptt., Work Division, Patna to ensure the payment of the aforesaid compensation amount.

7. That the District Land Acquisition Officer, Patna vide letter no. 1117. Dated-18.09.2020, letter no.-1344, dated-08.12.2020 and letter no.-1469, dated-28.12.2020 (Annexure-C Series) had directed the Executive Engineer, Rural Works Department, Work Division, Patna to send the report with regard to the payments of the petitioner, the stating that calculation chart and permanent address along with mobile number of Sri Prasad had been sent Bishwanath earlier.

8. That the Executive Engineer, Rural Works Department, Work Division, Patna has passed office order vide memo no-195, dated- 10.02.2021 (Annexure-D) whereby approval has been made for payment of the compensation amount of Rs. 38,53,815.00 (Thirty Eight Lakhs Fitty Three Thousand Eight Hundred and Fifteen Only) to the petitioner Bishwanath Prasad in his account No-30932172036, S.B.I, Sampatchak Branch through CFMS.

9) From the above statement made by the Opposite Party in show cause, it is clear that the amount of Rs.38,5,3815/- which was to be paid as compensation to the petitioner was approved by the District Land Acquisition Officer way back on 16.03.2020. The said approval letter dated 16.03.2020 is also annexed as Annexure-A to the said show cause. It is further clear that by letter dated 19.03.20220, the Collector had directed the Executive Engineer, Rural Works Department, Patna Works Division, Patna to ensure the payment of the aforesaid



compensation amount to the petitioner. Despite this order passed by the Collector on 19.03.2020, the payment was not made to the petitioner within a reasonable time, which compelled the petitioner to file the present case seeking compliance of the order passed in writ. Manifestly, there is inordinate delay and laches in compliance of the order passed in writ petition for which the petitioner is not at fault. Thus, under these circumstances, this Court deems it fit to direct the Opposite Party No.4, Executive Engineer, Rural Works Department, Patna Works Division to pay simple interest @ 6 per cent per annum from 19.03.2020 up to the date of payment, i.e., 26.09.2025. This payment must be made to the petitioner within one month of this order, failing which the Opposite Party No.4, Executive Engineer, Rural Works Department, Patna Works Division would be held in contempt if non-compliance is brought to the notice of this Court.

10) It is made clear that the District Magistrate, Patna would be at liberty to fix responsibility for recovery of payment of interest from such officer, who has contributed to delay in compliance of this Court's order, which has resulted in saddling additional financial liability on the State.

11) The present case is accordingly disposed of in the above terms.



12) The personal appearance of Mr. Ranjeet Kumar,
Executive Engineer, Rural Works Department, Patna Works
Division is hereby dispensed with.

(Alok Kumar Sinha, J)

sanjeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

