

(2019) 12 PAT CK 0069

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 24458 Of 2019

Dev Kishor Yadav And Anr

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 09-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0069

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Mrityunjay Kumar, Birendra Prasad Singh

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned AC to SC 19 for the State.

2. The petitioners have moved the Court for the following reliefs:-

"I) For that the concerned respondents may be directed to pay the compensation amount of acquired land of the petitioner in 1962 through Land Acquisition Case No. 31/1962-63.

II) For that the compensation amount of the acquired land of the petitioner may be paid to the petitioner at the present rate with interest related to Mouza- Saurh, Thana No. 347, Khesra No. 2245B, Rakwa- 0.24 acre and same to the petitioner no. 2 at the present rate with interest like Mouza- Sourh, Thana 347, Khesra 2245A area 0.36 acre.

III) For that any other relief/reliefs may also be provided to the petitioner if he deserves the same."

3. The petitioners are aggrieved by their land being taken over by the authorities for construction of retired embankment in the district of Banka, in the year 1962.

4. Learned counsel for the petitioners submitted that only persons who have

been moving the Courts are being paid, while in the normal course persons who are required to be paid are not paid. He also drew the attention of the Court to Annexure-4, which is copy of order dated 06.02.2013 passed in CWJC No. 14877 of 2012, by which similarly situated persons were directed to be paid compensation amount within a period of two months. It was submitted that they have been paid the amount which would be clear from the order dated 12.11.2014 passed in MJC No. 4750 of 2013.

5. Learned counsel for the State submitted that the matter requires verification by the authorities.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the Collector, Khagaria and the District Land Acquisition Officer, Khagaria to verify the matter with regard to whether the land of the petitioners have been used for the aforesaid purpose. They would also verify as to whether the land of the petitioners is the subject matter of Land Acquisition Case No. 31 of 1962-63. If it is found that the land of the petitioners are subject matter of the aforesaid acquisition case and have been taken possession of and utilized for the aforesaid purpose, it shall be incumbent upon them to ensure that payment is also made to the rightful claimants, after due verification, in accordance with law, within three months from the date of production of copy of this order before them.