

(1997) 03 PAT CK 0019

In the Patna High Court

Case No : Appeal from Original Award/Decree No. 464 of 1984

Pancha Nand Verma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-03-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 30, 54

Citation : (1998) 1 BLJR 225 : (2003) 2 PLJR 703

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : Madan Mohan No. 1, for the Appellant; O.P. Agrawal No. 1 and Parmeshwar Mehta, for Respondents 2 to 9, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. By this writ application the petitioner has prayed for issuance of a direction upon the respondent No. 4 to pay compensation for damages caused to his vehicle, which was requisitioned by it in exercise of its power under the provisions of the Representation of People Act, 1951. It is submitted on behalf of the petitioner that the vehicle in question was engaged after its requisition for the ensuing Parliament Election and the same was completely destroyed by the extremists while vehicle in question was carrying the officers for conducting the election. Learned Counsel for the petitioner further submitted that he had approached the Deputy Commissioners (Respondent No. 4) for redressal of his grievance and the Deputy Commissioner (Respondent No. 4) vide its order as contained in Annexure-7 declined his prayer for grant of compensation.

3. Learned Counsel appearing for the petitioner has referred to a decision rendered by the Full Bench of this Court in Ram Narayan Singh Vs. Election Commission and Others, , and in the light of the judgment it is submitted that respondent No. 4 is the authority to pay compensation and the prayer made on behalf of the petitioner before respondent No. 4 could not have been declined.

4. I have gone through the decision rendered in the case of Ram Narayan Singh v. Election Commission and Ors. (Supra). This Court has held that the District Magistrate, who was the requisitioning authority of the vehicle in question, is the competent authority to pay compensation for damages caused to the vehicle in question, which was engaged for general election.

The facts of the case is identical to the facts of the case of Ram Narayan Singh v. The Election Commission and Ors. referred to above and the decision rendered by this Court as referred to above squarely covered other cases at hand.

5. In that view of the matter is dispose of this writ application with direction to respondents get report from the surveyor duly engaged by the Insurance Company and upon receipt of the report, the Deputy Commissioner (Respondent No. 4) shall finalise the amount of compensation on the basis of the said report and shall make payment positively within three months from the date of receipt of the said report.

With this direction and observation this application is disposed of.