
(2022) 09 PAT CK 0053

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 2096, 2143, 2151 Of 2020

SKG Sugar Mills Limited

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 27-09-2022

Acts Referred:

Citation : (2022) 09 PAT CK 0053

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Jagannath Singh, Pushkar Kumar Ray, Abbas Haider, Gyan Shankar, Kinker Kumar, Deepika Sharma

Final Decision : Disposed Of

Judgement

Petitioners in C.W.J.C. No. 2096 of 2020 have prayed for the following relief(s):

"For issuance of a writ in the nature of Mandamus or any other appropriate writ, rule, direction commanding the respondent authorities to release the S.K.G. Sugar Limited & S.K.G. Distillery Limited and its landed property from acquisition which were acquisitioned by the Respondent State Government by an enactment called Bihar Sugar Undertaking (Acquisition) Act, 1985 and did not pay any compensation to its owner till date nor released the acquisitioned property of the petitioner and allowed the SKG Sugar Limited and SKG Distillery Limited to be turned into scrap by alienating the entire property and left the entire property without any security, safeguard and with no proper protection resultantly the landed property has been illegally encroached upon, the machineries are being stolen away as it has already turned into scrap and therefore, the respondent State is required to pay a suitable amount of compensation as assessed by this Hon'ble Court for turning a running Sugar Mill and Distillery to be turned into scrap by taking the possession of the landed property and the Sugar Mill by virtue of an Acquisition proceeding in the year 1985."

Petitioners in C.W.J.C. No. 2143 of 2020 have prayed for the following relief(s):

"For issuance of a writ in the nature of Mandamus or any other appropriate writ, rule, direction commanding the respondent authorities to provide protection and proper safeguard to the properties of S.K.G. Consolidated Ltd. i.e. SKG Sugar Limited and SKG Fiscal Limited, Siwan which is being stolen/removed and looted away by unscrupulous persons and they are allowing the properties of the mills to be stolen away, looted and sold away as also the premises are being encroached by taking over the possession of the mills in question without being any authority of law."

Petitioners in C.W.J.C. No. 2151 of 2020 have prayed for the following relief(s):

"For issuance of a writ in the nature of Mandamus or any other appropriate writ, rule, direction commanding the respondent authorities to release the S.K.G. Sugar Limited & S.K.G. Fiscal Limited and its landed property from acquisition which were acquired by the Respondent State Government by an enactment called Bihar Sugar Undertaking (Acquisition) Act, 1985 and did not pay any compensation to its owner till date nor released the Acquired property of the petitioner and allowed the SKG Sugar Limited and SKG Fiscal Limited to be turned into scrap by alienating the entire property and left the entire property without any security, safeguard and with no proper protection resultantly the landed property has been illegally encroached upon, the machineries are being stolen away as it has already turned into scrap and therefore, the respondent State is required to pay a suitable amount of compensation as assessed by this Hon'ble Court for turning a running Sugar Mill and Distillery to be turned into scrap by taking the possession of the landed property and the Sugar Mill by virtue of an Acquisition proceeding in the year 1985."

After the matter was heard for some time, learned counsel for the petitioners states that petitioners be permitted to initiate proceedings under the provisions of Bihar Sugar Undertaking (Acquisition) Act, 1985.

None can have any objection to the same.

The petitions are disposed of on the following mutually agreeable terms:

- (a) As and when petitioners initiate such proceedings, the same shall be considered in accordance with law on expeditious basis, preferably within a period of six months thereafter;
- (b) We clarify that issue of fact and law, including that of limitation or earlier receipt of compensation by the petitioners, if any, are left open to be decided by the appropriate authority.

Petitions stand disposed of in the aforesaid terms. Interlocutory Application(s), if any, shall stand disposed of.