

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18649 of 2012

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Bihar Rajya Sattadar (Lambardar) Karmchari Sangh, Irrigation Department,
Registered Office at Maa Vindhyawasini Bhawan, R.P.Allon Nagar,
Kanserwa, Fazalganj, P.S.-Sasaram(Model), Distt-Rohtas through its
General Secretary, Mr. Ramayan Pandey'Allon'S/O Late Ramvyas Pandey
..... Petitioner/s

Versus

1. The State of Bihar through the Secretary and Commissioner, Water
Resource Department , Government of Bihar, Patna
 2. The Engineer in Chief, Water Resource Department , Government of
Bihar, Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.N. Choubey, Sr. Adv.
Mr. Ambuj Nayan Chaubey
Mr. Ashok Kumar garg

For the Respondent/s : Mr. Kumar Alok, SC-8
Dr. Raj Kumar Singh, AC to SC-8
Mr. Rakesh Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

14 14-12-2015 Heard the parties.

The petitioner, claiming to be a registered union known as “Bihar Rajya Sattadar (Lambardar) Karmchari Sangh”, has filed the present writ petition through its General Secretary seeking a direction to the respondents to implement the Satta system in the ascertained irrigated area as also in the probable irrigation area. The petitioner has further prayed for a direction to the respondents to pay the arrears of commission from 1988 to 1999 to the individual Sattadar (Lambardar).

The learned counsel appearing on behalf of the petitioner submits that under the provisions of Sections 70, 74 and 75 of Bihar Irrigation Act, 1997 (In short ‘Act, 1997), appointments of individual Sattadar (Lambardar) are made and they are required to collect certain dues, out of which they are entitled to receive certain commission. Its grievance is that even

admitted dues of the members of the petitioner's union have not been paid.

At the very outset it has to be noticed that the present writ petition has not been filed by the individual Sattadar (Lambardar). In the whole writ petition, list of such Sattadar (Lambardar), whose dues have allegedly not been paid, has not been furnished/ annexed.

Indisputably, under the scheme of Section 70 of Act, 1997, an agreement is required to be signed by the Canal Officer with individual person for collection of tolls for payment to the State Government. In the whole writ petition, copy of such agreement signed between the Canal Officer and the individual Sattadar (Lambardar) has not been brought on the record.

The learned SC-8, appearing on behalf of the respondents, has contested the matter by referring to the averments made in the counter-affidavit filed on behalf of the respondent no.2. He submits that the present writ petition filed on behalf of the Union is not maintainable. If individual Sattadar (Lambardar) has any valid claim for payment of commission, then he/she should have approached the competent authority for redressal of valid grievances, but even that has not been done in the present case. However, he fairly submitted that if the individual persons have some grievance, then such persons should raise their claims before the competent authority, which shall be considered in accordance with law and admissible dues of such person(s) shall be paid accordingly.

After having heard the parties and on consideration of the materials available on record, this Court is of the opinion that since the claim of the writ petitioner is based on a disputed

question of fact as also even for the period when the Act, 1997 was not enacted, it is not possible to decide the claim of the members of the petitioner's union in the present proceeding. However, if the individual person in whose favour valid agreement was signed by the prescribed authority under the provisions of Bihar Irrigation Act, 1997, and if their admissible dues have not been paid till date, then they are granted liberty to file their separate comprehensive representation(s) with all supporting documents before the respondent no. 2 within a period of two months from today. If such petition(s) are filed by individual persons, who may be the members of the petitioner's Union with a certified copy of the present order, then the respondent no.2 either himself or any other competent authority shall be obliged to consider and decide the claims of such individual persons in accordance with law.

If on consideration of materials, the respondent no.2 or any other competent authority comes to a conclusion that some admissible dues are still there of such individual persons, then the consequential order shall also be issued for grant of such admissible dues at an early date preferably within a period of three months from the date of passing such order.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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