

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15410 of 2010

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1. Panch Lal Mehta S/O Late Bhola Mehta R/O Vill.- Sahewan, P.S.- Ratanpur, Distt.- Supaul
 2. Parmeshwar Mahta S/O Late Kusum Lal Mehta R/O Vill.- Sahewan, P.S.- Ratanpur, Distt.- Supaul
 3. Gauri Shankar Chaudhary S/O Late Saryug Chaudhary R/O Vill.- Balbhadra Pur, P.S.- Birpur, Distt.- Supaul
 4. Ram Sundar Das S/O Late Babujee Das R/O Vill.- Sahewan, P.S.- Ratanpur, Distt.- Supaul

.... Petitioners

Versus

1. The State of Bihar
2. The Principle Secretary Water Resources Department, Government Of Bihar, Patna
3. The Director, Land Acquisition And Rehabilitation Water Resources Department, Government Of Bihar, Patna
4. The Chief Engineer Water Resources Department, Birpur, Supaul
5. The Executive Engineer Eastern Embankment Division No.2, Birpur, Supaul
6. The Special Land Acquisition Officer, Koshi Project, Saharsa
7. The District Magistrate, Supaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3
For the Respondent/s : AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 10-07-2015 Heard Sri Satish Chandra Jha-3, learned counsel for the petitioner and learned A.C. to Principal Addl. Advocate General.

The petitioner has approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India in the year 2010 itself, with a prayer to direct the respondents to pay compensation amount in respect of using land of the petitioner



measuring an area 3.85 decimal for construction of spur at 5.70 kilometer of the Eastern Koshi Embankment. The land of the petitioner was used without completion of any formality under the Land Acquisition Act. Though land was taken by the respondents in the year 1986-87, no compensation amount was paid to the petitioner. Thereafter, the petitioner was constrained to approach this Court.

In this case, a counter affidavit was filed in the year 2011 itself wherein stand of the petitioner was not disputed, however; a stand was taken that acquisition process will be started after receiving compensation amount from respondent no. 5 i.e. Executive Engineer, Eastern Embankment Division No. 2, Birpur, Supaul. Meaning thereby that fund was to be allocated by the Irrigation Department. After filing of the counter affidavit, the petitioner has also filed rejoinder in the year 2012 itself, wherein it has been indicated that despite giving assurance on oath, respondents are not taking any sincere effort to pay the compensation amount.

In view of statement made in the counter affidavit as well as the fact that writ petition was filed in the year 2010, the Court considers that writ petition can be disposed of with a direction to all the respondents including Principal Secretary,

Water Resources Department , Govt. of Bihar to take all effort so that compensation amount for the use of land of the petitioner must be paid to the petitioner with up-to-date interest within a period of three months from the date of receipt/production of a copy of this order. Failure to comply the order may attract initiation of contempt petition against respondents.

The writ petition stands disposed of with aforesaid direction.

(Rakesh Kumar, J.)

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