

Miscellaneous Jurisdiction Case No.661 of 2015

Civil Writ Jurisdiction Case No. 1649 of 2014

1. Birendra Prasad Singh Son of Late Ram Lakhan Singh Resident of Village - Jamuawan, P.S. - Khizersarai, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Deepak Kumar, Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. Sri Sanjay Agrawal, The District Magistrate, Gaya.
4. Sri R.K. Khandelwal, The Commissioner , Magadh Division, Gaya.
5. Sri Anil Kumar Choubey, The Circle Officer, Khizersarai, Gaya.
6. Sri Rajesh Kumar, The Superintending Engineer, Minor Irrigation Department, Jehanabad.
7. Sri Arvind Kumar, The Executive Engineer, Minor Irrigation Department, Jehanabad.
8. Sri Sushil Kumar Sinha, The S.D.O. Uderasthan Braj, Pariyojna, Jehanabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Dr. Anshuman. S.C. 14

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 27-04-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

This Court had disposed of the case of the petitioner being C.W.J.C. No. 1649 of 2014 by order dated 25.08.2014 directing as follows :-

“Having considered the rival contention of the parties, there is no justification for the petitioner for raising a grievance against non-payment of compensation amount after 50 years which itself shows that the petitioner himself was not interested for compensation.

Counsel for the petitioner

submits that recently additional land has been utilized but no payment has been made to the petitioner. There is nothing on the record to substantiate such contention that any further land was utilized.

In such view of the matter, this Court is not inclined to entertain the claim made by the petitioner. However, if the petitioner feels that his additional land has been utilized, he will have liberty to raise his grievance before the Land Acquisition Officer who will examine the matter and pass order in accordance with law within a reasonable time.

With this observation, this petition is dismissed.”

Two affidavits have been filed by the two Officers, one from the Revenue Department where it is mentioned that if any additional land has been acquired, the same can be set in motion for compensation subject to filing of the requisition by the Executive Engineer whereas the Executive Engineers filed an affidavit specifically stating therein that the canal was constructed 50 years ago on the voluntarily handed over the land by the beneficiaries. No additional land has been acquired for the renovation of the canal and as such the question of payment of compensation for acquiring the land does not arise.

Learned counsel for the petitioner submits that at the time of renovation of canal 18 decimal of land of the petitioner was acquired and as such he is entitled to compensation in terms of the New Land Acquisition Act.

As the disputed question of fact cannot be decided in a contempt proceeding as well as in a writ proceeding, that can only be decided by a civil court of competent jurisdiction. The petitioner, if so advised, may take legal recourse in accordance with laws.

With this observation, this contempt application is dismissed.

(Shivaji Pandey, J)

Amin/-

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