

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12338 of 2013

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1. Vidyanand Jha son of Late Madhukant Jha.
 2. Madhusudan Jha Son of Late Rama Nand Jha.
 3. Prem Chandra Jha Son of Late Pitamber Jha.
- All are resident of village Sahaspur, Police Station and Anchal Jaley, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Irrigation Department Govt. of Bihar, Patna.
3. The Collector Sitamarhi, District Sitamarhi.
4. The Additional Collector Sitamarhi, District Sitamarhi.
5. The Superintending Engineer flood Control Circle Darbhanga.
6. The Executive Engineer Bagmati Division, Sitamarhi.
7. Assistant engineer Bagmati Canal Project Sub-Division, Sitamarhi.
8. Anchal Adhikari Pupri, district Sitamarhi.
9. Brahmaputra Infrastructure Company Pvt. Ltd. Gurgaon, Hariyana.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 03-03-2016

Heard the counsel for the petitioners and the State.

The application on behalf of the petitioner nos. 2 and 3 stands withdrawn giving them liberty to file a fresh application, if so advised.

The petitioner no. 1 is aggrieved by non-grant of compensation by the State respondent(s) for utilizing his land for strengthening of the embankment, and in the process either the crop was damaged or the land was digged. From the counter affidavit, it appears that the State respondents have admitted the damage caused to the property/land of the petitioner in diverse ways, and a sum of

Rs. 25,000/- as compensation was offered, which according to the respondents (Annexure-B) was refused by the petitioner.

The Court is not aware about the quantum of the damage, the said question cannot be gone into by this Court.

Having regard to the above, the writ application is disposed of by directing the respondents particularly the Executive Engineer, Bagmati Division, Sitamarhi, respondent no. 6 to ensure the payment of sum of Rs. 25000/- by way of compensation to the petitioner, as quickly as possible, preferably within five weeks from the date of receipt/copy of this order before him. It shall be open to the petitioner to file an application for payment of adequate compensation, if he is dissatisfied with the amount of compensation paid by the respondents which shall be examined and disposed of by the concerned respondent in accordance with law.

(Kishore Kumar Mandal, J)

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