

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Review No.366 of 2014**

**In**  
**LPA 807 of 2004**

=====

Nakul Prasad Yadav, son of Late Mahabir Yadav, resident of Village-  
Anand Nagar (Bhora), P.S.-Banka, District-Banka, Bihar.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Secretary-cum-commissioner, Water Resources Department, Sichai Bhawan, Patna.  
(Respondent)...Appellants
3. The Engineer in Chief, Water Resources Department, Sichai Bhawan, Patna.
4. The Chief Engineer, Water Resources Department, Bhagalpur.
5. The Executive Engineer, Irrigation Division No.-2, Laxmipur Camp, Banka, District-Banka.
6. The Assistant Engineer, Irrigation Sub-Division No.-1, Banka, District-Banka.
7. The Rehabilitation Office, Madhyam Sichai Yojna, Bhagalpur.
8. The Deputy Secretary, Water Resources Department, Sichai Bhawan, Patna.
9. The District Magistrate, Banka.

.... .... Respondents/Opposite Parties

=====

**Appearance :**

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate  
For the Opp. Parties : Mr. Mayank Pukhaiyas, AC to G.A. 1

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**

**and**

**HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

5      11-05-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The application has been filed for review of the order  
dated 23.8.2013 passed by this Court in LPA No. 807 of 2004.

The short facts of the case are that the land of the  
petitioner was acquired pursuant to the Orhani Reservoir Scheme



in the district of Banka to the extent of 14.70 decimals including well and residential house in the year 1986. Pursuant to the policy decision of the State Government a Resolution dated 18.9.1993 was passed by which it was decided to provide a job to one member of the family of the persons displaced under different schemes of the State Government. The petitioner claims appointment on Government post although earlier also the petitioner was appointed on daily wage basis in the year 1986. The writ petition filed by the petitioner was allowed by a learned Single Judge of this Court but in the appeal after considering the decision of the Supreme Court in the case of Amarjit Singh vs. State of Punjab : (2010) 10 SCC 43 this Court came to the conclusion that law stands well settled that if the lands of a person are acquired under the Land Acquisition act, he has a legal right to receive compensation and there is no legal right to have a double bonanza of compensation and rehabilitation combined with the same in which the only exception is if the policy for rehabilitation itself is a part of the land acquisition proposal, which was not the case of the respondent (present petitioner) that rehabilitation was part of the land acquisition proposal. For the said reason, the appeal was allowed and the order dated 28.8.2003 of the learned Single Judge was set aside.

Learned counsel for the petitioner has sought to rely

before us on a decision dated 10.1.2011 of this Court wherein a person, who was displaced in the Bilasi Jalashaya Project in the district of Banka, was directed to be appointed on a suitable post.

It is not the stand of learned counsel for the petitioner that the said decision was cited before the Bench hearing the Letters Patent Appeal. In the said circumstance, it cannot be a ground for review of the matter.

From a perusal of the order sought to be reviewed it is evident that it has considered the relevant aspect of the matter and come to certain legal conclusion on the basis of the decision of the Supreme Court. In the said circumstances, it cannot be said that there is any error apparent on the face of the record.

We do not find that any ground for review of the order dated 23.8.2013 is made out by learned counsel for the petitioner. The review application is, accordingly, dismissed.

**(Ramesh Kumar Datta, J)**

**(Vikash Jain, J)**

spal/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|