

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2839 of 2016

In

Civil Writ Jurisdiction Case No. 21426 of 2014

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1. Gangu Bahardar, S/o Ugan Bahardar.
2. Manoj Bahardar, S/o Late Baldeo Bahardar.
3. Panchanand Bahardar, S/o Late Sonai Bahardar.
4. Most. Sukari Devi, W/o Late Deo lal Bahardar.
5. Makru Bahardar, S/o Late Kailu Bahardar.
6. Poshan Bahardar, S/o Late Phohi Bahardar.
7. Sanjay Bahardar, S/o Late Baldeo Bahardar.
8. Most. Kari Devi, W/o Late Baldeo Bahardar.
9. Dhelu Bahardar, S/o Deo Lal Bahardar.
10. Shyam Lal Bahardar, S/o Late Phagu Bahardar.
11. Kaleswari Devi, W/o Late Phagu Bahardar.
12. Mannu Bahardar, S/o Ugan Bahardar.
13. Dhanilal Bahardar, S/o Ugan Bahardar.
14. Sunita Devi, W/o Late Baldeo Bahardar,

All are Resident of Village Belwa Baghela Tola, Post Office Araria, P.S. Araria, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Anjani Kumar Singh Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Rajesh Kumar, Engineer-in-Chief (North), Government of Bihar, Water Resource Department, Sinchai Bhawan, Patna, Bihar.
3. Mr. Shiyaram Paswan, Chief Engineer, Water Resource Department, Purnea.
4. Mr. Er. Suresh Prasad, Superintending Engineer, Drainage and Investigation Division, Water Resource Department, Purnea.
5. Mr. Zafir Ahsan, Executive Engineer, Drainage and Investigation Division, Water Resource Department, Purnea.
6. Mr. Pramod Kumar Bharti, Assistant Engineer, Drainage and Investigation Division, Water Resource Department, Purnea.
7. Mr. Himanshu Sharma, District Magistrate, Araria.
8. Mr. Santosh Kumar, Executive Engineer, Flood Central Project and Monitoring Anchal, Sinchai Bhawan, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Singh, Adv.
Mr. Kamal Kishore Singh, Adv.

For the Opposite Party/s : AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER



7 13-09-2018

Pursuant to the last order passed by this Court, today learned counsel representing the State has produced nine cheques Xerox copies of which have been enclosed with the 4th supplementary show cause by him. These cheques are meant towards the payment of compensation to the petitioners for the loss of their crops.

The petitioners are not happy with the amount of compensation being paid to them as according to the learned counsel representing the petitioners their lands were taken for the purpose of project and in fact even without going for acquisition proceedings the petitioners have been deprived of their lands and they are not getting the fruits of the land as those have merged in the river because of the project undertaken by the State.

Learned counsel further submits that in fact the Collector was required to refer the matter relating to compensation to the petitioners in accordance with Sections 82 and 83 of the Act namely The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as the 'Land Acquisition Act, 2013'). Learned counsel in fact seeks a direction to the Collector to refer the matter in terms of Sections 82 and 83 of the Land Acquisition Act, 2013 before the competent authority, who will adjudicate the



compensation amount and pay the same to the petitioners.

On the other hand, learned counsel representing the State submits that the lands of these petitioners were never acquired by the State. The lands were only utilized for certain time for the purpose of project and thereafter the State government has not kept any concern with those lands. It is for the petitioners to see how they can utilize their lands. Learned counsel submits that in the given facts and circumstances, the order of the learned Writ Court has been complied with, but the petitioners are now looking for certain kind of adjudication by this Court with regard to their rights and entitlements sitting in the contempt jurisdiction.

Having heard learned counsel for the parties, this Court is of the considered opinion that the learned Writ Court has not adjudicated the rights and entitlements of the petitioners as are being claimed by learned counsel at this stage. The District Magistrate-cum-Collector, Araria has come out with compliance of the order of the learned Writ Court by producing cheques for the amount which according to him is the adequate amount of compensation towards the use of the lands. This Court is, therefore, of the considered opinion that no case for initiation of contempt is made out in the facts and circumstances of the case. In case the petitioners have any grievance with respect to the



compensation amount and they are looking for determination of the compensation by the competent authority in terms of Sections 82 and 83 of the Land Acquisition Act, 2013, their remedy for the same remains open and they can apply for the same. This Court will not give any observation as to such entitlement in the present proceeding.

This contempt application stands disposed off accordingly.

Let the cheques be handed over to the learned counsel for the petitioners who is ready to accept the cheques, but with protest keeping the rights of the petitioners reserved to move in an appropriate proceeding. This Court has already observed hereinabove that the petitioners may apply for their remedy.

(Rajeev Ranjan Prasad, J)

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