

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1092 of 2017

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1. Manoj Kumar Son of late Saryug Yadav Resident ofn Village: Ekadh, P.S :
Nawhatta, District: Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Water Resources, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Department & Water Resources, Government of Bihar, Patna.
3. The Rehabilitation Officer, Koshi Project, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Jha, Advocate Mr. Prafull Chandra Thakur, Advocate
For the State	:	Mr. Brajesh Kumar, AC to AAG4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-08-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, the petitioner is challenging the
order dated 14.6.2003 issued by the Director Land Acquisition
and Rehabilitation Department, Government of Bihar, Patna by
which his services has been terminated.

The petitioner was appointed under a scheme framed by
the Government of Bihar to those persons whose land have been
acquired for the purposes of construction of Koshi Bandh and the
petitioner was appointed on the post of Amin but later on services
of the petitioner was dispensed with arriving to a finding that his
land was not acquired for the purposes of construction of Koshi



Bandh but he was displaced by way of rehabilitation to protect from furry of Koshi Bandh.

Learned counsel for the petitioner submits that land of the petitioner was acquired and on that account he was appointed as Amin. It appears that petitioner and others had challenged the action of the department which was referred to Full Bench in C.W.J.C. No.1242 of 2003 and its analogous cases but the same was withdrawn whereafter a review petition was filed vide MJC No.2523 of 2015 and its analogues cases and the Court has recorded a reasoned order and prayer for review was rejected which has been affirmed by Hon'ble Supreme Court in SLP (C) No.9084 of 2016. He has further submitted that his case on merit was never decided by any authority but on technical ground the claim of petitioner has not been entertained.

This Court can only hope and trust that the Director, Land Acquisition and Rehabilitation Department, Water Resources, Government of Bihar, Patna and Rehabilitation Officer, Koshi Project, Supaul will examine the case of the petitioner and if the authorities arrives to a finding after necessary enquiry that the petitioner would come under the purview of displaced persons on account of construction of Koshi Bandh, in such circumstances, respondents would pass necessary



order in accordance with law within a period of six months form the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.8.2018
Transmission Date	NA

