

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7250 of 2017

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Smt. Ranjana Kumari, wife of Shri Arun Kumar Singh, resident of Mohalla-
Sikandarpur behind S.P. Kothi, P.S.- Muzaffarpur (T), District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. Chief Engineer, Water Wage/Water Resources Department, Muzaffarpur.
3. Superintending Engineer, Water Wage Circle, Muzaffarpur.
4. Executive Engineer, Water Wage Division, Muzaffarpur.
5. Assistant Engineer, Water Wage Sub-Division No.3, Muzaffarpur.
6. Junior Engineer, Water Wage Sub-Division No.3, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachchida Nand Singh, Adv.

For the Respondent/s : Mr. Rewati Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-09-2018 Heard learned counsel for the petitioner and the respondents.

The present writ application has been filed for a direction to the respondent authorities to make payment of admitted dues of compensation amount along with 12 % interest to the petitioner against the damage caused to her Green Potato (Parwal) plants since the respondent authorities kept large number of bricks over the plot of the petitioner, constructed two huts and dug several ditches over the said plot while undertaking the exercise for prevention of soil erosion, during flood in the river in rainy season, without obtaining permission of the petitioner.

It is submitted by learned counsel for the petitioner



that on 21.07.2009, the petitioner purchased 12 decimal of land appertaining to Thana No.484, Khata No.260, Plot No.2482, situated in Mauza-Mithan Sarai, Tola Samiyarpur. Thereafter, on 07.12.2009, the petitioner purchased 64 decimals of land in the same Mauza having new Khata No. 260, Plot No. 2481, which was adjacent to the initial plot. Thereafter, the petitioner planted green potato (parwal) in the entire land which is 76 decimals collectively. In the second week of March, 2010, the petitioner received information that respondent authorities, without her permission, have kept large number of bricks over her plots, on which green potato crop was standing. They also constructed two huts and dug several ditches in the said plots, as a result, the entire plants standing over the land in question got damaged. Consequently, the petitioner made a complaint before the Respondent No.4, the Executive Engineer, Water Wage Division, Muzaffarpur, who in presence of Respondent Nos. 5 and 6 assured her that all the ditches which have been dug on her land for prevention soil erosion will be filled up and for the damage caused to the standing plants, appropriate compensation will be paid to her. But, it was not paid to her. Thereafter, on 23.04.2010, the petitioner transmitted a legal notice to Respondent Nos. 3 to 6 through registered post, as contained in



Annexure-1. Subsequently, the Respondent No.4 transmitted a letter to the petitioner vide Letter No.843, dated 25.05.2010, annexing therein Letter No.308, dated 06.05.2010, stipulating therein that the respondent authorities have admitted the damage, as contained in Annexure-2A, caused to the plant of the petitioner and have assured that the ditches occurred due to erosion of soil will be filled up and appropriate compensation will be paid to the petitioner for the damage caused to the standing plants, on the approved rate prescribed by the department after getting the land measured by Amin. But despite such assurance, the grievance of the petitioner has not been redressed. The petitioner again represented on 17.03.2013, as contained in Annexure-4, before the Respondent No.4. But the compensation has still not been granted to the petitioner against the damage caused to her standing crops. It is further submitted that a counter affidavit has been filed on behalf of Respondents, wherein, it is clearly stipulated that they have admitted the damages caused to the standing plants and they are calculating the quantum of compensation which is to be paid to the petitioner. Despite several representations and assurance being given by the respondent authority in the last eight years, no payment has been made. Hence, the present writ application.



It is submitted by learned counsel for the respondents that the plants standing over the land in question were damaged, but the compensation amount could not be paid to the petitioner. However, the Respondent No.4, vide letter no.641 dated 07.06.2017 directed for calculation of the compensation amount and transmitted the requisition for allotment of payment to the authority concerned. It is further submitted that after proper calculation, compensation amount will be paid to the petitioner within a time frame. Paragraph nos. 6, 7 and 8 of the counter affidavit read as under :-

“6. That in reply to the prayer made in Para-1 of the writ application, the answering respondents humbly states and submits that during Execution of flood protection and anti-erosion works some crops of ‘Parwal’ planted in the land of the petitioner has been damages.

7. That it is further humbly submitted that for the said damage unfortunately payment of compensation thereof was not made by the then official which is highly regretted. It is further humbly submitted that the matter of damage of crops and nonpayment of amount of compensation in lieu thereof to the petitioner and some other similarly situated persons brought to the notice of the Executive Engineer, Flood Control Division, Muzaffarpur and action for redressal of grievance of the petitioner has been started.

8. That it is further humbly



stated that in this respect respondent no.4 vide letter no.641 dated 07.06.2017 and letter no. 29.06.2017 has taken action and amount of compensation of damaged crops is being calculated and requisition for allotment of payment of the same will be submitted to the higher authorities and it is expected that the payments may be made in near future.”

Considering the rival submission of the parties, particularly, keeping in view the admission of respondent authorities made in paragraph nos. 6, 7 and 8, it is expected from respondent authorities, particularly, Respondent No.4, the Executive Engineer, Water Wage Division, Muzaffarpur to look into the matter and complete the whole exercise of making payment of compensation amount to the petitioner within a period of six weeks on receipt/production of a copy of this order, in accordance with law.

Accordingly, the writ application stands disposed of with the aforesaid observation.

(Dinesh Kumar Singh, J)

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