

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14797 of 2017

Sanjay Chandra Thakur Son of late Basant Thakur Resident of Village-
Haripur Maltola, P.S. Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Madhubani.
3. The Special Land acquisition Officer, Koshi Project Darbhanga.
4. The Public Redressal Grievance Officer of Complaint Cell Madhubani.
5. The Executive Engineer, West Koshi Project Division, Sakri, Madhubani.
6. The Assistant Engineer West Koshi Project Division Sakri, Madhubani.
7. The Anchal Officer of Kaluahi, Anchal of Madhubanui District.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Jha
For the Respondent/s	:	Mr.Raj Kishore Ray – GP-18
		Mr. Mukul Prasad, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-06-2019 Heard learned counsel for the parties.

2. The present writ application has been filed for issuance of direction to the respondents to make payment of compensation against the land of the petitioner, which has been utilized by the State-respondents for construction of minor canal under Koshi Project. It is the case of the petitioner that the petitioner's land admeasuring 0.09 decimal of Khata no. 1511, Plot No. 10047 was acquired under the provisions of the Land Acquisition Act, 1894, in the year 2011. It is his case, however, that at the time of excavation, the respondents have utilized



more land of the petitioner than what was acquired. It is also his case that an objection was raised before the authorities for making excavation over the land for the purpose of construction of canal which was beyond the acquired land, whereafter a Kanungo was asked to take measurements and submit report. The Kanungo is said to have submitted report vindicating the claim of the petitioner before the Special Land Acquisition Officer.

3. A counter affidavit has been filed on behalf of the State of Bihar. It has been stated in paragraph 10 of the counter affidavit that the office of the Special Land Acquisition Officer, Koshi Project had authorized one Kanungo to make an enquiry with respect of the petitioner's grievance of utilization of land for construction of canal beyond the land which was acquired. It has been stated that the Kanungo on the basis of spot enquiry found that the excess land of the petitioner has been utilized under the said Project. It is stated in paragraph 11 of the counter affidavit that in the light of the aforesaid report of the Kanungo from the Special Land Acquisition Officer, Koshi Project, Darbhanga a letter has been written on 16.06.2016 to the Executive Engineer, West Koshi Project Division, Sakari Darbhanga, requesting him to verify the report of the Kanungo



and if the same is found to be correct, to make fresh requisition for acquisition of the land of the petitioner. The counter affidavit has been sworn on 30.04.2019. It has been stated in paragraph 13 that as soon as the requisition from the Executive Engineer is received, fresh acquisition proceeding shall be started and the amount of compensation would be paid to the petitioner without any delay. Apparently, the deponent, who is Special Land Acquisition Officer, Darbhanga and Muzaffarpur has not received any requisition for acquisition of land. According to his own statement, request to the Executive Engineer was made in June, 2016. The specific statement made in the writ application that land of the petitioner has been utilized for the purpose of construction of canal beyond the area of the land acquired, has been utilized remains unrebutted.

4. The averments made in the counter affidavit filed by the Special Land Acquisition Officer show that land acquisition issues have been taken by the respondent in too casual and cavalier manner, which is highly deplorable.

5. This writ application is, accordingly, allowed with a direction to the respondents to initiate proceeding for acquisition of land of the petitioner which has been utilized by the respondents beyond the area which has been acquired within



one month from the date of receipt/production of a copy of this order.

6. Taking into account the statement made in the counter affidavit that the Special Land Acquisition Officer is said to have written letter in the year 2016 and till date he has not received any communication from the requisitioning authority, I consider it fit to impose a befitting cost. Accordingly, a cost of Rs. 20,000/-(twenty thousand) will be liable to be paid to the petitioner within one month from today by the State-respondents, recoverable from the officers found responsible for laches.

7. This application is allowed accordingly.

(Chakradhari Sharan Singh, J)

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