

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1293 of 2016

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The President Kosi Command Karmchary Sangh Son of Late Bindeshwari Prasad Yadav, Resident of Village - Bariyahi, P.S. - Rahuamani, P.S. - Bangaon, District - Saharsa at present posted as Mahepura on Farm Development Division, Kosi Area Development Agency, Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Secretary, Department of Water Resources, Government of Bihar, Patna.
4. The Secretary, Department of Irrigation, Government of Bihar, Sichayee Bhawan, Patna.
5. The Secretary, Department of Finance, Government of Bihar, Patna.
6. The Director, Directorate of Command Area, Command Kshetra Nideshalaya, Sichayee Bhawan, Patna.
7. The Divisional Commissioner - cum - Chairman, Kosi Command Area Development Agency, Saharsa.
8. The Managing Director, Kosi Command Area Development Agency, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Sinha, Advocate
For the State	:	Mr. Manoj Kr. Sinha, A.C. to G. A. -9
For the Respondent nos 7 to 11	:	Mr. Satish Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

7 16-01-2019 Learned counsel for the petitioner by filing I.A. No. 129 of 2019, has submitted that the Water and Land Management Institute (Walmi), Phulwarishariff, Patna and its officials are necessary party in the instant proceeding, in view of enactment of the Bihar Agricultural and Rural Area Development Agency, (Repeal) Act, 2017.

Having heard the parties, the prayer made in I. A. No. 129 of 2019 is allowed. Let the cause title of the instant case be accordingly corrected and the three authorities described in paragraph 1 of the I.A. No. 129 of 2019 may be impleaded as respondent nos. 9, 10 and 11 to the writ petition.

In the present case, the counsel for the petitioner asserts that pursuant to the letter dated 14.02.2002, issued by the Joint Secretary to the Government of Bihar in the Agriculture



Department (Special Programme), recoveries have been made from the petitioner.

The respondent State as well as its authorities are in agreement that if any recovery has been made for any period in between 14.02.2002 and issuance of the order dated 07.10.2011, by the Joint Secretary (Technical) in the Water Resource Department, petitioners would be entitled to refund of the same.

In view of the order dated 07.10.2011, issued by the Joint Secretary (Technical), in the light of the order of the Division Bench in L.P.A. No. 590 of 2007, Counsel for the petitioner submits that the specific claim in respect of the recoveries made from the petitioners would be made before the newly added respondent no. 10.

In view of such submission of the parties, no useful purpose would be served by keeping the instant writ petition pending. In the event, the petitioners file their application within a period of two months from today, the same should be considered by a reasoned and speaking order in accordance with law within three months from the date of receipt/production of a copy of this order.

If the petitioners are found entitled to any refund, the same should be made available to the petitioners within three months thereafter.

This writ petition accordingly stands disposed of.

(Madhuresh Prasad, J)

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