

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20592 of 2019

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Ajay Kumar Shahi @ Ajay Shahi, Aged about 62 years, Male, Son of Late Nageshwar Prasad Shahi, Resident of Village- Bachharpur, P.O. Kumhra Bishanpur, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer, Flood Control Circle, Sitamarhi.
5. The Executive Engineer, Water Drainage Division, Sitamarhi.
6. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur.
7. The District Magistrate Sitamarhi, District- Sitamarhi.
8. The District Land Acquisition Officer, Sitamarhi, District- Sitamarhi.
9. The Circle Officer, Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Vinay Kirti Singh (Ga2)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-10-2019 Heard both sides.

The petitioner filed this writ petition for issuance of direction to the respondent authority to make payment of compensation of the lands bearing Plot No.1615, measuring 62 decimals, Plot No.1616, measuring 22 decimals and Plot No.5871, measuring 13 decimals of Khata No.1662 situated in village Athari, Circle Runnisaidpur, District Sitamarhi in view of the provisions of the Right to Fair Compensation and



Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act, 2013').

Learned counsel for the petitioner submits that the Executive Engineer, Water Drainage Division, Sitamarhi wrote a letter to the Superintending Engineer, Flood Control Circle, Sitamarhi that the lands situated in village Rampur and Adhri measuring 40.97 acres are required to be acquired for construction of spill canal but it appears that the Irrigation Department did not make any requisition before the authority for acquisition of land. Unless on the requisition of the Irrigation Department, the land of the petitioner is acquired, no amount of compensation can be paid to the petitioner. There is nothing on record to show that the Land Acquisition Officer, Sitamarhi has taken any step for acquisition of the land of the petitioner.

In this view of the fact, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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