

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8972 of 2020

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Dhananjya Prasad Sinha, S/o Narmadeshwar Prasad Sinha Resident of
Village- Eroura, P.O.-Eroura, P.S.-Deo Eroura, Distt-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayati Raj Department of State of Bihar, Patna.
3. The District Magistrate, Aurangabad
4. The Circle Officer, Block Dev, Aurangabad.
5. The Block Development Officer, Block Dev, Aurangabad.
6. The Panchayat Secretary, Dulare Block, Dev, Distt Aurangabad.
7. The Mukhiya Gram Panchayat Karma Dulare, Block, Dev Distt. Aurangabad
8. Smt. Phool Kumari devi, Gram Panchayat Executive Member, Ward No-11,
Gram Pandhayat, Dular Block Dev, Distt. Aurangabad.
9. Shree Shambhu Bhuinya, Ex-Officio Secretary, Ward Implementation
Committee, Ward No-11, Gram Panchayat Dulare, Block Dev, Distt
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar Jha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-06-2021 Heard Mr. Shashank Shekhar Jha, learned counsel for
the petitioner and Mr Kumar Alok, learned counsel for the State.

Despite notice the private respondents have not
entered their appearance.

The petitioner has filed the present application for the
following relief:

- i. Issuance of writ/order or direction on including a
writ in the nature of mandamus commanding the respondents to



release the compensation amount of the acquitted (possessed) the concerned land as per market value pertaining to Panchayat Delare, Mauza-Vera, Revenue Thana No. 959, Khata No.3, Kheshra No.28, 45, 69, 23, 29 and 30 area 6.38 decimal, 2.73, decimal, 1.34 decimal 1.21 decimal, 1.26 decimal, 1.19 decimal and 0.13 respectively, Block Dev, District Aurangabad has been taken for establishment of 'Mukhyamantri Nal Jal Yojna' without consent/permission of the petitioner and his family who is land owner of the above land in question.

ii. Issuance of a direction also to follow all the procedure prescribed in 'Mukhyamantri Nal Jal Yojna' in accordance with law in the interest of poor raiyat of the land in question in view of their hardship and other essential requirements in surviving for smooth livelihood.

iii. Issuance of a direction for saving his fundamental right guaranteed under Article 14,16 and 21 of the Constitution of India.

iv. Any other relief/reliefs may be granted to the petitioner as they are found entitled.

2. Learned counsel for the petitioner submits that a project namely, 'Mukhyamantri Nal Jal Yojna' was started for welfare of public in village of the State of Bihar in the year



2017 and a guidelines was issued by the Panchyat Raj Department, State of Bihar vide memo no. 5751 dated 30.6.2017, it is specifically and categorically guided in the said guidelines in clause 5.2.1 that the said project Nal-Jal Yojna will be established at Govt./Public Land.

3. He further submist That from perusal of clause 5.2.1 of the said guidelines by the State Govt. it would be evidently clear that the said project was to be established (i.e. Pipe Lines, Tank etc.) in the public Govt. land. In a special circumstances the said project may be established in the Riyati Land also with the permission/consent of the land owner with compensation as process of land acquisition. Govt. has failed to do so and petitioner's land has been utilized and pipelines, Tank etc. is installed over the petitioner land.

4. Leaned counsel for the petitioner submits that in the Panchayat 3.4.5 decimal land of the petitioner family was utilized by the respondents in connection with Nal-Jal Project without paying compensation to the petitioner. He submits that the action of the respondents is illegal and arbitrary and the petitioner alleges that Rs. 14,86,200/- was in fact misused by the respondents in connection with Nal-Jal Yojna over the land of the petitioner without acquisition and therefore the amount



misused by the respondents should be refunded in the account of the Gram Panchayat. He submits that the petitioner has approached the District Magistrate, Aurangabad in this connection and highlighted the issue in connection with Nal-Jal Scheme but no action was taken by the District Magistrate.

5. Considering the aforesaid, the Court is constrained to dispose of the writ application granting liberty to the petitioner to approach the District Magistrate, Aurangabad alongwith a copy of this order within a period of one month from today and file representation before the District Magistrate, Aurangabad and the District Magistrate, Aurangabad shall cause an enquiry on the allegation of the petitioner and thereafter he will pass appropriate order in the light of the direction issued by this Court within a period of four months from the date of filing of such representation alongwith a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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