

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9048 of 2020

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1. Bharat Das, son of Sri Ramashish Das
 2. Gangadhar Das, son of Late Bipat Das
 3. Mahwa Devi, wife of Sri Chandu Das

All are residents of Village-Basant, P.S.-Katra, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Muzaffarpur Division at Muzaffarpur.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur.
5. The District Panchayati Raj Officer cum Certificate Officer, Muzaffarpur.

.. ... Respondents

Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate Mr. Vijay Kumar @ Vijay Kumar Singh
For the Respondent State:		Mr. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3. 27-04-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

The petitioners have filed the writ application seeking following reliefs : -

“(A) For quashing or set aside the Notice vide Memo No. 588 dated 12.05.2019, 587 dated 12.06.2019 and 586 dated 12.06.2019 issued by the Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur (respondent No.4) whereby and whereunder respondent no.4 mechanically without jurisdiction, made direction to all the



petitioners to refund the land acquisition compensation amount which was given to the petitioners by the respondents after following due process of law.

(B) For quashing or set aside the proceeding of Certificate Case No. 678/2019-20, 681/2019-20 and 682/2019-20 which are pending before the District Panchayati Raj Officer cum Certificate Officer, Muzaffarpur in connection with recovery of amount from the petitioners which was given by the respondents as land acquisition compensation.”

From the notice dated 12.06.2019, it appears that on the basis of a report submitted by a three-man committee, the Special Land Acquisition Officer has come to a conclusion that the petitioners have received various amount against acquisition of land by way of compensation in irregular/illegal manner. My attention has been drawn to the fact that certificate cases have been registered for recovery of the amounts, which are subject matter of the notices issued on 12.06.2019.

Learned counsel appearing on behalf of the petitioners has submitted that before issuance of the notice dated 12.06.2019 and reaching a conclusion that the petitioners have received the aforesaid amounts illegally, no show cause notice was given to them.



I do not find much substance in the submission advanced on behalf of the petitioners for the reason that the petitioners shall have such opportunity in the proceeding under Section 5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

This application is thus disposed of with an observation that the notice dated 12.06.2019 shall be subject to final outcome of the recovery proceedings.

(Chakradhari Sharan Singh, J)

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