

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13694 of 2017

1. Nirbhay Kumar Singh S/o late Chandreshwar Prasad Singh resident of Village Post- Chaubey Tola, P.S.- Chanpatia, District- West Champaran.
2. Ramadhar Baitha S/o late Muneshwar Baitha Resident of Village- Madhopur Bairiya, Post- Amolwa, P.S. Gaunaha, District- West Champaran,.
3. Vikash Kumar S/o late Sita Ram Sahani resident of Village- Khatolwa , Post -Hajipur , P.S. Kalyanpur, District- East Champaran.
4. Sanjay Kumar S/o - late Chhabila Ram Resident of Village- Rajaram Narahwan, Post- Narahwan Shukul, P.S. Gopalpur, District- Gopalganj.
5. Lalit Kumar S/o late Rambahadur Sharma Resident of Village- Malitola, Post- Adalpur, P.S. Darbhanga Sadar, District- Darbhanga.
6. Vikrant Kumar S/o late Arjun Prasad Resident of Main Road, Near Shiv Temple, Village- Pakribarawan, Post P.S.- Pakribarawan, District- Nawadah.
7. Sunita Devi W/o late Babu Lal Prasad Resident of Village- BehariChpatia Tola, Post- Bangaha, P.S. Bangaha, District- West Champaran.
8. Manish Kumar S/o late Ramnandan Prasad Singh Resident of Village- Bhushwar, Post- Bhushwar, P.S. - Narhan, District- Samastipur.
9. Ramesh Kumar Yadav S/o late Hardev Prasad Yadav Resident of Village- Dudhiya, Post- Khirma Pathara, P.S. Kamtaul, District- Darbhanga.
10. Ajeet Kumar Anand S/o late- Jai Kishun Prasad Resident of Village Post- Nayaganj, P.S.- Desari, District- Vaishali.
11. Shatrughan Ram S/o late Lal Bihari Ram Resident of Village- Majurahan, P.O.- Motihari Court, P.S. Turkaulia, District- East Champaran.
12. Santosh Kumar Gupta S/o late Rajeshwar Prasad Resident of Village- Dhauti, Post- Masarak, P.S. Panapur, District- Chhapara.
13. Kumar Sagar S/o late Shrikant Mishra Resident of Village- Rampur Khajuria, Post- Huseni, P.S. Dumaria Gaht, District- East Champaran.
14. Shams Perwez Ahmad S/o late Md. Tabarak Hussain Resident of Village- Jalwatoli, PO- Hussani, P.S.- Dumariya Ghat, District- East Champaran.
15. Manual Haque S/o late Mohibul Haque Mansuri Resident of Village- semrahia, P.O.- semrahia, P.S.- Chhaudadanaw, District- East Champaran.
16. Shailendra Kumar Pathak S/o late Umesh Pathak Resident of Village P.O.- Bargon Devraj, P.S. Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
4. The Under Secretary, Water Resources Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Irrigation Creation, water Resources Department , Motihari.
6. The Chief Engineer , Water Resources, Darbhanga.
7. The Chief Engineer, Water Resources, Balmiki Nagar, West Champaran.



8. The Executive Engineer, Tirhut Canal Division No. 1, Bettiah, West Champaran.
9. The Executive Engineer, Tirhut Canal Division No. 2, Bettiah, West Champaran.
10. The Executive Engineer, Triveni Canal Division, Narkatiya Ganj, West Champaran.
11. The Executive Engineer, Design Division, Motihari, East Champaran.
12. The Executive Engineer, Planning and Monetoring Division, Motihari, East Champaran.
13. The Executive Engineer, Canal Division, Ghodasaha Canal Division, Raxaul, East Champaran.
14. The Executive Engineer, Tirhut Canal Division, Dhaka, East Champaran.
15. The Executive Engineer, Tirhut Canal Division, Chakiya, East Champaran.
16. The Executive Engineer, Don Canal Division, Ram Nagar, East Champaran.

... .. Respondent/s

For the Petitioner/s	:	M/s Siya Ram Shahi, Shally Kumari, Advocates
For the Respondent/s	:	Mr Binay Kr Pandey, AC to GA II

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioners and the respondents.

The petitioners' claim, now stands decided in terms of the judgment of the Division Bench in LPA No 1702 of 2017 and analogous cases arising out of CWJC No 9921 of 2017 in the case of State of Bihar & Others -Versus- Binit Kumar & Others. This aspect, being admitted in the course of today's hearing, the petitioners' apprehension, that the decision of the Chief Engineer dated 24.05.2017 shall come in the way of grant of benefits to the petitioners in terms of the Division Bench judgment, appears to be unfounded since the decision of the Division Bench now holds the field and the petitioners' claim is



for parity with the beneficiaries of the Division Bench judgment. The authorities are now required to consider their claim afresh in the light of the Division Bench judgment and grant them the due and admissible benefits. The petitioners' claim should also be considered having regard to the Bihar State Litigation Policy, 2011, Clause 4.C (1) thereof since the claim is that the petitioners' benefits will come under "covered matters" as per the Bihar State Litigation Policy, 2011.

Writ petition stands disposed of.

Let Respondent No 5 take a decision in this regard by a reasoned and speaking order granting the benefits, found due and admissible, to the petitioners. The entire exercise should be completed within three months from the date of receipt/production of a copy of this order.

This Court clarifies that in view of the decision of the Division Bench of this Court in LPA No 1702 of 2017, the earlier order of the Chief Engineer dated 24.05.2017 shall not come in way in granting benefits to the petitioners.

(Madhuresh Prasad, J)

M.E.H./-

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