

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10411 of 2017

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The Zila Parishad, Khagaria Through Its Deputy Development Commissioner
Cum Chief Executive Officer, Zila Parishad Khagaria, Md. Abdul Bahab
Ansari.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariate,
Government of Bihar, Patna.
2. The Principal Secretary, Deptt. of Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Deptt. of Public Health Engineering Department,
Govt. of Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The Executive Engineer, P.H.E.D. Division, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nikesh Kumar, Advocate

For the Respondent/s : Ms. Purna Anand, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-04-2023 The present petition has been filed seeking the
following reliefs :-

“(i) For issuance of an appropriate writ/writs, order/orders in the nature of mandamus, directing and commanding the respondents authorities to pay the appropriate compensation to the Zila Parishad, Khagaria on which khatiyani land the Respondent no. 5 Executive Engineer, P.H.E.D. Division, Khagaria has constructed water tank without even acquiring the land of the Zila Parishad through due process of law and also even without paying a single penny in respect of compensation for the land of the



Zila Parishad which was illegally taken in possession for construction of the aforesaid water tank even without taking consent of the Zila Parishad which is the legal owner of the land in question.

(ii) It is further respectfully submitted that the Respondent authority particularly Respondent No. 5 may be directed to pay compensation for the land of the Zila Parishad in view of the newly formulated land acquisition law.”

Considering the nature of dispute as also taking into account the fact that the parties in the present case are the Zila Parishad, Khagaria on the one hand and the respondent-State more particularly the Public Health Engineering Department's Division at Khagaria on the other hand, this Court deems it fit and appropriate to relegate the petitioner to the remedy of approaching the District Magistrate, Khagaria, who shall arbitrate the matter in between the parties and amicably settle the dispute in question.

Accordingly, the petitioner is granted liberty to approach the District Magistrate, Khagaria by filing appropriate petition, within a period of four weeks from today, whereupon the District Magistrate, Khagaria shall mediate the matter in between the parties and settle the dispute



once and for all, within a period of six weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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