

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19263 of 2017

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Vijay Sardar Son of Late Lakshmi Narayan Sardar, Resident of Village-
Gamhariya, P.O. Sirsiyakala, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Kosi Project Saharsa.
4. The Special Land Acquisition Officer, Kosi Project Saharsa.
5. The District Land Acquisition Officer, Kosi Project Supaul.
6. The Special Land Acquisition Officer, Kosi Project Supaul.
7. The District Land Acquisition Officer, Kosi Project Araria.
8. The Special Land Acquisition Officer, Kosi Project Araria.
9. The District Land Acquisition Officer, Kosi Project Purnia.
10. The Special Land Acquisition Officer, Kosi Project Purnia.
11. The Collector, Saharsa.
12. The Collector, Supaul.
13. The Collector, Araria.
14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal, Purnia.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19300 of 2017

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Ramotar Mehta Son of late Bahur Mehta, Resident of Village- Gamhariya,
P.O. Sirsiyakala, Police Station- Bhargama, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation , Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Koshi Project, Saharsa.
4. The Special Land Acquisition Officer, Koshi Project, District Saharsa.
5. The District Land Acquisition Officer, Koshi Project, Supaul.
6. The Special Land Acquisition Officer, Koshi Project, Supaul.
7. The District Land Acquisition Officer, Koshi Project, Araria..
8. The Special Land Acquisition Officer, Koshi Project, Supaul.



9. The District Land Acquisition Officer, Koshi Project, Purnia.
10. The Special Land Acquisition Officer, Koshi Project, Purnea..
11. The Collector, Saharsa.
12. The Collector, Saharsa.
13. The Collector, Araria,.
14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal , Purnia.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19321 of 2017

Dipnarayan Mehta son of Late Kusum Lal Mehta, Resident of Village- Gamhariya, P.O. Sirisyakala, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Koshi Project, Saharsa. null
4. The Special Land Acquisition Officer, Koshi Project, Saharsa.
5. The District Land Acquisition Officer, Koshi Project, Supaul.
6. The Special Land Acquisition Officer, Koshi Project, Supaul.
7. The District Land Acquisition Officer, Koshi Project, Araria.
8. The Special Land Acquisition Officer, Koshi Project, Araria.
9. The District Land Acquisition Officer, Koshi Project, Purnia.
10. The Special Land Acquisition Officer, Koshi Project, Purnia.
11. The Collector, Saharsa.
12. The Collector, Supaul.
13. The Collector, Araria.
14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal, Purnia.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19338 of 2017

Anup Mehta Son of Late Domi Mehta, Resident of Village- Gamhariya Mallik, P.O.- Sirsiyakala, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus



1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Kosi Project, Saharsa.
4. The Special Land Acquisition Officer, Kosi Project, Saharsa.
5. The District Land Acquisition Officer, Kosi Project, Supaul.
6. The Special Land Acquisition Officer, Kosi Project, Supaul.
7. The District Land Acquisition Officer, Kosi Project, Araria.
8. The Special Land Acquisition Officer, Kosi Project, Araria.
9. The District Land Acquisition Officer, Kosi Project, Purnia.
10. The Special Land Acquisition Officer, Kosi Project, Purnia.
11. The Collector, Saharsa.
12. The Collector, Supaul.
13. The Collector, Araria.
14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal, Purnia.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 459 of 2019

Chouthi Sardar Son of Late Vijay Sardar, Resident of Village- Gamharia, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Kosi Project, Saharsa.
4. The Special Land Acquisition Officer, Kosi Project, Saharsa.
5. The District Land Acquisition Officer, Kosi Project, Supaul.
6. The Special Land Acquisition Officer, Kosi Project, Supaul.
7. The District Land Acquisition Officer, Kosi Project, Araria.
8. The Special Land Acquisition Officer, Kosi Project, Araria.
9. The District Land Acquisition Officer, Kosi Project, Purnia.
10. The Special Land Acquisition Officer, Kosi Project, Purnia.
11. The Collector, Saharsa.
12. The Collector, Supaul.
13. The Collector, Araria.



14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal, Purnia.
... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 531 of 2019

Pradeep Saradar son of Late Hanumani Saradar, Resident of Village-
Gamharia, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
3. The District Land Acquisition Officer, Koshi Project, Saharsa.
4. The Special Land Acquisition Officer, Kosi Project, Saharsa.
5. The District Land Acquisition Officer, Kosi Project, Supaul.
6. The Special Land Acquisition Officer, Kosi Project, Supaul.
7. The District Land Acquisition Officer, Kosi Project, Araria.
8. The Special Land Acquisition Officer, Kosi Project, Araria.
9. The District Land Acquisition Officer, Kosi Project, Purnia.
10. The Special Land Acquisition Officer, Kosi Project, Purnia.
11. The Collector, Saharsa.
12. The Collector, Supaul.
13. The Collector, Araria.
14. The Collector, Purnia.
15. The Executive Engineer, Jal Nishtaran and Anushandhan Pramandal, Purnia.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19263 of 2017)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Sudhir Kumar Upadhyay, AC to GP-7.

(In Civil Writ Jurisdiction Case No. 19300 of 2017)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG-4.

(In Civil Writ Jurisdiction Case No. 19321 of 2017)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Binod Kumar Sinha, AC to GP-7.

(In Civil Writ Jurisdiction Case No. 19338 of 2017)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-2



(In Civil Writ Jurisdiction Case No. 459 of 2019)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-2

(In Civil Writ Jurisdiction Case No. 531 of 2019)

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.
: Mr. Upendra Kumar Jaiswal, Adv.
For the Respondent/s : Mr. Anjani Kumar, AAG-4.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 18-08-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. In all the batch cases, counsel for petitioner
submits that land of petitioners have been acquired by the
respondents in the year 1980-81 but compensation amount has
not been paid to the petitioners.

3. Learned counsel for the petitioners submits that
some of the aggrieved persons have earlier moved before this
Court in C.W.J.C. No.9968 of 2006 which was disposed of on
28.03.2012 but they were not paid any compensation. Learned
counsel for the petitioners is relying on an order dated
04.05.2023 passed in C.W.J.C. No.1102 of 2018 in which this
Court has directed the respondent authorities to start a
proceeding for acquisition of the land in question of petitioner
of C.W.J.C. No.1102 of 2018 and take the same to its logical
conclusion and to pay the compensation to the petitioners within
the period of six months from today. With this direction, the said



writ petition stands allowed in the above observations and directions.

4. Learned counsel for the State raised objection and submits that a requisition was sent by the Executive Engineer, Drainage Investigation Division, Kosi Project, Banmanki to the Special Land Acquisition Officer, Kosi Project and requested him for construction of drainage under Jal Nikas Nala but due to some internal arrangements of offices, this requisition further sent to Special Land Acquisition Officer, Kosi Project, Purnia. He further submits that a notification in this regard was also published in daily newspaper but after notification, award was not prepared in the name of *raiyat* and as such the land acquisition proceeding has been lapsed in the year 1994. He also submits that according to the provisions of Section 11A of the Land Acquisition Act, 1894 which is as follows:-

*[11-A. Period within which an award shall be made. -
The Collector shall make an award under Section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceeding for the acquisition of the land shall lapse.*

Provided that in a case where the said declaration has



been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

Explanation.-In computing the period of two years referred to in this Section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

5. The stand of the State is that since award has not been prepared within two years from the date of declaration, as such, the entire proceeding for the acquisition of the land became lapsed. In this background learned counsel for the State submits that land acquisition process has been lapsed due to Section 11A of the Land Acquisition Act, 1894, and as such there is no case of the petitioners.

6. On the other hand, learned counsel for petitioners submits that the petitioners' lands have been taken on the assurance that compensation shall be paid, the matter has delayed for such long period.

7. In this background, prior to granting any relief it is necessary for this Court to ascertain that whether the petitioners' lands have been taken by the Government for the said purposes or not ?



8. In this view of the matter, the petitioners are directed to file their respective representation before the Collector of the respective District describing detail of their lands which were taken by the State for the purpose of construction of canal, if it has been found that their lands were taken for the purpose of construction of canal as like that of petitioner of C.W.J.C. No.1102 of 2018, then the respondent authorities shall immediately start a proceeding for acquisition of the land in question of the petitioners and take the same to its logical conclusion and pay the compensation to the petitioners within a period of six months from the day when the report in this regard shall come that their lands have been taken for the purpose of construction of the canal.

9. With this observation and direction, all the Writ Petitions stands disposed off.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21/08/2023
Transmission Date	NA

