

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4613 of 2023**

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1. Ghuran Yadav S/o Maheshwar Yadav R/o Village-Konar, P.S.-Phulparas, District-Madhubani.
  2. Ranjan Kumar Yadav S/o Sitaram Yadav R/o Village-Konar, P.S.-Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. District Magistrate, Madhubani.
4. Land Acquisition Officer, Madhubani.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Baidya Nath Thakur, Adv.  |
|                      | : | Mr. Udeshya Kumar Yadav, Adv. |
| For the Respondent/s | : | Mr. Anjani Kumar ( AAG- 4 )   |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      09-08-2023                      Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for seeking direction to the Principal Secretary, Water Resources Department, Government of Bihar for not to proceed with the construction of Khutauna-Chikna Jalwar Canal from Muslim Tola to Yadav Tola in Mauza- Konar, P.S. - Phulparas, District-Madhubani unless a notification under Section 11 of the RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013 is

published and payment of compensation be made.

3. Counsel for the petitioners submits that petitioners are the raiyati of Khata No.- 203, Plot No.-1509, 1218 and 1219 admeasuring Area- 31, 56 and 16 Decimal respectively of Mauza- Konar, P.S.- Phulparas, District- Madhubani.

4. Counsel submits that the petitioners have residential house on Plot No.- 1509 in which they are living with their family members. Counsel further submits that in the counter-affiavit of paragraph-10, District Land Acquisition Officer, Madhubani, the stand has come that Khata No.-203, Plot No.- 1509, 1218 and 1219 admeasuring Area- 31, 56 and 16 Decimal, Mauja- Konar is being acquired for the purpose of the said project.

5. If this is the stand of District Land Acquisition Officer, Madhubani then, the District Land Acquisition Officer, Madhubani shall have to follow the process of RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013.

6. Learned counsel for the State is not present, but his counter-affidavit is there in the records of this case. It has also come in the counter-affidavit that writ of the petitioners is not maintainable as they have no right to file such type of writ

without going into the provision of land acquisition.

7. In this background that the Land Acquisition Officer, Madhubani has taken the stand that the land of the petitioners mentioned is going to be acquired for the purpose of the project of the State. It is directed to the Land Acquisition Officer, Madhubani to follow the process of RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013 prior to taken the possession of the land of the petitioners.

8. In this background, petitioners shall be at liberty to file afresh representation before the District Land Acquisition Officer, Madhubani within 4 weeks from today.

9. With the aforesaid direction, the present writ application is hereby disposed of.

**(Dr. Anshuman, J.)**

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