

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6185 of 2020

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Umesh Ram, father of Late Bihari Ram, Residence of Village- Alekh Tola,
Sitab Diara, Post Office- Griba Tola, Police Station-Revilganj, District- Saran
at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, District-Saran at Chapra.
3. The Deputy Development Commissioner, District-Saran at Chapra.
4. The District Program Officer, District-Saran at Chapra.
5. The Additional District Magistrate, Saran at Chapra.
6. The Sub Divisional Officer Sadar, District-Saran at Chapra.
7. The Circle Officer, Revilganj, District-Saran at Chapra.
8. The Block Development Officer, Revilganj, District-Saran at Chapra.
9. The Principal Secretary, Water Resources Department, Govt. of Bihar Patna.
10. The Chief Engineer Water Resources Department under Division Siwan,
District-Siwan.
11. The Executive Engineer Water Resources Department, District-Saran at
Chapra.
12. The District Land Acquisition Officer, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

or the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Vinay Kriti Singh, GA-2

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 27-04-2023

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):-

*“That by way of this writ application
petitioner creaves indulgence before this Hon'ble*



court for issuance of appropriate writ/writs, order/ orders, direction/ directions to commanding the Respondents for payment of Compensation to the petitioner for construction of Bandh under scheme of Water Resources Department Govt. of Bihar From Rameshwar Tola Jai Prakash Nagar (Sitab Diara) to Bhawan Tola under village utar Vari Chakki, (Sitab Diara) Pragana Manjhi, Revilganj police station No. 544/1 Tauji No. 4598 Khata No. 169 Surve No. 132 area 00-18-00 eighteen Kattha as per rate of 1,00000/- one Lakhs rupees per Katha total amount Rs. 18,00000/- eighteen Lakhs with interest. Which is belongs to private land, which was purchased by his Grand mother namely late Fulvaso Devi wife of late Baijnath Ram through registered sale deed dated 22-06-1982. The authority concern has been constructed Bandh under aforesaid scheme.

It if further claimed that the Bandh was constructed on his land without his prior consent. He also did not received any compensation as per the laws.”

3. At the outset, learned counsel for the petitioner prays that the District Land Acquisition Officer, District-Saran at Chapra be added as respondent no.12 in the instant application.

4. Let the District Land Acquisition Officer, District-Saran at Chapra be added as respondent no.12 in the instant application. Learned counsel for the petitioner is permitted to



make necessary corrections in the memo of the parties in the writ application in course of the day.

5. The case of the petitioner in brief is that the grandmother of the petitioner namely, Fulvaso Devi (wife of late Baijnath Ram) had purchased the land appertaining to *Tauji* no.4598, *Khata* no.169, Survey no.132, measuring an area of 18 *kathas*, through a registered sale deed dated 22.6.1982. The land was duly mutated, the grandfather of the petitioner started to pay rent and was being granted the rent receipts. *Jamabandi* was opened in the name of the petitioner's grandmother. By way of illustration, a number of rent receipts with respect to the land in question have been brought on record by the petitioner.

6. It is further the case of the petitioner that the land in question measuring an area of 18 *kathas* belonging to the petitioner was used by the respondent authorities in construction of *Bandh* under a scheme of Water Resources Department, Government of Bihar. However, the respondent authorities neither started any acquisition case nor have they paid any compensation to the petitioner with respect to the land which was utilized in the above project. Accordingly, the petitioner filed an application on 17.7.2019, along with all relevant documents before the respondents ie the District Magistrate,



District-Saran at Chapra as also the Principal Secretary, Water Resources Department, Government of Bihar. Not having received the amount of compensation nor any response from the said authorities, the petitioner filed the instant application for the prayer as mentioned herein above.

7. Counter affidavits have been filed by the respondent authorities. Referring to the last counter affidavit filed on behalf of respondent nos.2, 5 and 7, learned counsel for the respondents submits that as per the feasibility report of the Committee constituted by the Collector, Saran, it was recommended that 61.69 acres of the land be acquired. So far as the case of the petitioner is concerned, a report was called for from the Circle Officer, Revilganj, Saran according to which the land in question is recorded as '*Gairmazarua Malik*' and more importantly it came out that in the Register II, two parallel *Jamabandis* ie *Jamabandi* no.941 and *Jamabandi* no. 1079 are running against the same plot no.132. One of them in the name of Bihari Ram. As such, it was submitted that they show that both the *Jamabandis* are suspicious and subject matter of inquiry. It was further stated that the petitioner should have got himself declared as *raiya*s of the land in question instead of rushing to file the instant application.



8. Having heard learned counsel for the parties and taking into consideration the material on record as also the submission made, the Court finds that it is the categorical case of the petitioner that the land in question as described herein above was purchased by the grandmother of the petitioner namely, Fulvaso Devi, wife of Late Baijnath Ram, through two registered sale deeds dated 22.6.1982. From perusal of the rent receipts, it transpires that the petitioner's father namely, Bihari Ram, had been paying rent and was being granted rent receipts for the land in question. So far as the contention of the respondents to the effect that two *Jamabandis* are running against the plot in question being *Jamabandi* no.941 and *Jamabandi* no.1079 is concerned, from perusal of the relevant pages of registered sale deed which has been brought on record as Annexure-A to the said counter affidavit it would transpire that both are in name of the same person, namely, Fulvaso Devi, who happens to be grandmother of the petitioner.

9. In view of the above, the Court finds merit in the contentions raised by the petitioner and does not find any substance in the objections being raised by the respondents. In view of the facts and circumstances of the case, the prayer made in the writ application is allowed and it is directed that



respondent authorities especially the District Land Acquisition Officer, District-Saran at Chapra (respondent no.12) shall take appropriate steps for starting with the land acquisition of the land of the petitioner and take the acquisition proceedings to its logical conclusion by paying the compensation at the earliest, preferably within a period of six months from today. The other authorities namely, the Principal Secretary, Water Resources Department, Government of Bihar, Patna (respondent no.9) and the District Magistrate, District-Saran at Chapra (respondent no.2) shall ensure that there is no impediment in the conduct of the land acquisition proceedings and payment of compensation to the petitioner.

10. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	03.05.2023
Transmission Date	N/A

