

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11042 of 2021

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Pankaj Kumar Singh @ Pankaj Singh Rana S/o Rajendra Singh R/o Sareya
Ward no. 1, P.s. and District- gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, govt. of Bihar, patna
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Engineer in Chief (Flood Control and Water Drainage) Water Resources Department, Govt. of Bihar, Patna
4. The Divisional Commissioner, Saran Division, Chapra
5. The District Magistrate, Gopalganj
6. The Additional District Magistrate, Gopalganj
7. The District Land Acquisition Officer, Gopalganj
8. The Sub Divisional Officer, Gopalganj
9. The Deputy Collector Land Reforms, Gopalganj
10. The Block Development Officer, Gopalganj
11. The Circle Officer, Gopalganj
12. The Block Development Officer, Kuchaikot, District- Gopalganj
13. The Circle Officer, Kuchaikot, District- Gopalganj
14. The Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur
15. The Executive Engineer, Water Drainage Division, Siwan
16. The Executive Engineer, Flood Control Division, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, GA-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-07-2023

1. Heard learned counsel for the parties.

2. The petitioner, who describes himself to be a
social worker having no personal interest in the matter, has filed



the instant Public Interest Litigation (PIL) for the following relief(s):-

“(i) For issuance of writ/writs, order/orders or direction/directions in the Mandamus directing the nature of respondent authorities to pay compensation to about 100 farmers of village Patahra under Gopalganj Block in the District of Gopalganj whose lands were acquired /taken and "Ring Bandh" (Dyke no. 118) was constructed on Gandak river in the year 2005-06 but till date even after lapse of about 15 years compensations have not been paid to the farmers whose lands were acquired and "Ring Bandh" was constructed over the same and the poor farmers are running from pillar to post but no one is taking care about plight of farmers.

(ii) For issuance of writ/writs, order/orders or direction/directions in Mandamus directing the the nature of respondent authorities to pay compensation to about 300 farmers of village Salehpur, Kala Mathiniya, Sipaya Khas, Vishambharpur of Kuchaikot Block and village Rampur Rampur Tengrahi, Khargauli, Gamhariya and Niranjana of Gopalganj Block in the District of Gopalganj whose lands were acquired/taken and "Ring Bandh/ Guide Bandh" was constructed in the year 2017-18 from Ahirauli Dan to Yadavpur Mangalpur bridge on the Gandak river by the Water Resources Department but till date even after expiry of about 3 years compensations have not been paid to poor farmers whose lands have been acquired and the farmers are running from pillar to post for compensation of land but no one is paying any heed



towards their grievances and even six farmers have lost their life in the hope of compensation but they could not get during their life time.

(iii) For issuance of writ/writs, order/orders or direction/directions in the Mandamus directing the nature of respondent authorities to pay compensation along with interest @ 12% for the delayed period to the farmers whose lands were acquired /taken for construction of "Ring Bandh/Guide Bandh" on the bank of Gandak river in the year 2005-06 and 2017-18.

(iv) For fixing responsibility of the respondent authorities who are responsible for non payment of amount of compensation to the farmers till date and further to take necessary action in accordance with law against the respondent authorities who have failed to discharge their statutory duties.

(v) For any other relief/reliefs for which the petitioner may be found entitle in the eye of law and in the facts and circumstances of the case may also be granted in favour of the petitioner."

3. The case of the petitioner is that the land of large number of farmers was acquired by the respondent authorities for construction of *bandh* etc. Inspite of their acquisition of land and representations having been filed, they have not been paid compensation for the same. It is stated that representations/petitions were filed before the District Public Grievance Redressal Officer, before the District Magistrate as



also the Principal Secretary of the Department, however the compensation has still not been paid.

4. Several counter affidavits have been filed on behalf of the respondents from which it transpires that lands were acquired for construction of “*Ring Bandh*” on river Gandak and on non-payment of the compensation, final order for payment of compensation was passed by the Commissioner. It is further stated that steps have been taken and letters written to the Superintending Engineer, Flood Control Division, Gopalganj for making available allotment of Rs.4.58 crores (approx.) for payment of compensation.

5. Having perused the material on record including the affidavits filed, this Court is of the opinion that while on one hand steps have been taken by the respondents for payment of compensation, on the other, the application filed by the petitioner in the nature of a PIL is lacking in material details insofar as it does not give the names of the farmers whose lands were acquired, neither the details of their land nor the amount of compensation due. This Court is also of the opinion that for the prayer made herein above, the case in the nature of a PIL will not be maintainable but the farmers who have not received their compensation will be required to file their respective petitions



before the Authority concerned and to approach the appropriate forum/Court, if so required.

6. The Public Interest Litigation stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	02.08.2023.
Transmission Date	N/A

