

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19448 of 2011

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1. JANARDAN PASWAN Son Late Adhik Pawan Resident Of Mohalla Ganjala, P.O. and P.S. Saharsa, District - Saharsa
 2. Shailendra Yadav S/O Rabindra Paswan Yadav Resident Of Village Kanp. Madhepura, Tola, P.O. Kanp. P.S. Sourbazar, District - Saharsa

... .. Petitioners

Versus

1. The State of Bihar
2. The Secretary To Govt. In The Department Of Water Resources Sinchai Bhawan, Patna
3. The Deputy Secretary To Govt. In Water Resources Department Sinchai Bhawan, Patna
4. The Director, Land Acquisition and Rehabilitation Sinchai Bhawan, Patna
5. The Collector Cum-District - Magistrate, Supaul
6. The Rehabilitation Officer, Koshi Project, Supaul At And P.O. P.S. Supaul District -Supaul

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 21-03-2023 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners in the present case are seeking setting aside of the order contained in Memo No. 41-2-Vidhi dated 30.01.2006 issued under the signature of Collector, Supaul.

Learned counsel for the petitioners has taken this Court through the impugned order (Annexure '6') to submit that the Anchaladhikari, Mahishi had vide his Letter No. 331-2 dated 06.08.2005 submitted a report that the Khatian of Plot No.- 703 under Khata No.- 2, Thana No.- 104 measuring area 0.03



decimal stands in the name of the father of the applicant Janardan Paswan (Petitioner No. 1) and in the said land, the father of the petitioner has got a share of 0.01 decimal.

Referring to the judgment of the learned co-ordinate Bench of this Court in CWJC No. 14075 of 2003 (Ram Bhujan Yadav and Ors. Vs. The State of Bihar and Ors.), learned counsel submits that in the said case, the learned co-ordinate Bench of this Court has held that the word “displaced persons” would cover even those persons who were residing between the embankments of river Koshi and whose land submerged in the water. Thus, even if the lands were acquired by the State, the case of the petitioners would be covered under the scheme.

On the other hand, learned counsel for the State has pointed out the differences on facts in the case of the present petitioners and that of the petitioners in CWJC No. 14075 of 2003. Paragraphs ‘3’, ‘4’ and ‘5’ of the supplementary counter affidavit point out the distinction. It is submitted that in case of these petitioners, they have not been granted any displacement certificate and their names did not appear in the list of displaced persons maintained in the Rehabilitation Office.

Having heard learned counsel for the petitioners and learned counsel for the State, this Court is of the considered



opinion that the case of the petitioners is totally distinguishable from that of the petitioners in CWJC No. 14075 of 2003.

Learned counsel for the petitioners was called upon to say as to whether the petitioners possess any displacement certificate. Learned counsel submits that no displacement certificate is in possession of the petitioners.

In the facts and circumstances, this Court finds no error with the impugned order. This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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