

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12977 of 2015

1. Arjun Choudhary Son of Late Bhola Choudhary Resident of Village- Ganaul, P.S. Bihpur, District Bhagalpur.
2. Devendra Sah Son of Late Mani Sah, Resident of Village Korchakka, P.S. Pasraha, District Khagaria.
3. Hari Choudhary Son of Late Maku Choudhary, Resident of Village- Ganaul, P.S. Bihpur, District Bhagalpur.
4. Panchu Sah Son of Late Lachhu Sah, Resident of Village Korchakka, P.S. Pasraha, District Khagaria.
5. Budhdeo Yadav Son of Late Kalar Yadav, Resident of Village- Ganaul, P.S. Bihpur, District Bhagalpur.
6. Yadu Nandan Choudhary Son of Late Biranchi Choudhary. Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
7. Mahendra Sah Son of Late Kutay Sah, Resident of Village and P.O Jhandapur, P.S. Bihpur, District Bhagalpur.
8. Naresh Poddar Son of Late Devi Poddar, Resident of Village- Ganaul, P.S. Bihpur, District Bhagalpur.
9. Jitendra Poddar Son of Late Chhote Lal Poddar, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
10. Ranjit Kumar Son of Late Thakur Poddar, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
11. Polis Sah Son of Late Biran Sah, Resident of Village Korchakka, P.S. Pasraha, District Khagaria.
12. Sant Lal Yadav Son of Late Jagat Narayan Yadav, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
13. Raghu Nandan Mishra Son of Late Nisafi Mishra, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
14. Jai Prakash Sah Son of Late Manik Sah, Resident of Village and P.O Jhandapur, P.S. Bihpur, District Bhagalpur.
15. Nand Kishore Choudhary Son of Late Jai Kant Choudhary, Resident of Village Maujma. P.S. Bihpur, District Bhagalpur. At present Resident of Village Maujmabad Naya Bas P.S Pasraha District Khagaria.
16. Rameshwar Choudhary Son of Late Ramdhani Choudhary, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
17. Nageshwar Choudhary Son of Late Chhatri Choudhary, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
18. Ravi Bhushan Choudhary Son of Late Satya Naryan Choudhary, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
19. Mahendra Choudhary Son of Late Buti Choudhary, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.
20. Sadhna Mishra Wife of Vivekanand Mishra, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.



21. Hemant Kumar Son of Vivekanand Mishra, Resident of Village Ganaul, P.S. Bihpur, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department. Land Acquisition Directorate, Bihar,
3. The Director, Land Acquisition, Bihar, Patna.
4. The Chief Engineer, Bhagalpur
5. The Collector, Khagaria
6. The District Land Acquisition Officer, Khagaria.
7. The Special Land Acquisition Officer, Khagaria
8. The Executive Engineer, Water Wage Division, Jal Path Pramandal, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Prashant Pratap, GP 2
Mr. Asit Kumar Jha, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 25-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Counsel for the petitioners submits that the lands of the petitioners have been acquired in the year 1962, but payment has not been made to them. Counsel further submits that from the Letter No. 186 of District Land Acquisition Officer, Khagaria dated 05.07.2008, it transpires that after taking land neither there is an administrative acceptance nor allotment nor panchat has been prepared nor it was declared. Counsel further submits that after order passed by this Hon'ble Court in different



CWJCs, some of the persons were granted compensation amount but no payment was made to the petitioners.

3. Counsel for the State submits that payment of compensation has been made and those persons who were not made compensation have moved before this Court in different C.W.J.Cs in the year 2007 then in 2012 and then in 2014. Counsel submits that the alleged retired Bandh was constructed on the request of the predecessors of the petitioners more than 60 years ago and they have benefited from the same Bandh.

4. It is further submitted that the ancestors of the petitioners had never approached at that relevant point of time, but presently the heirs of the land holders whose ancestors have given land to the State with their consent are now after 60 years claiming the compensation which are not permissible.

5. After going through the argument and considering the case, it transpires to this Court that admittedly, for the purpose of construction of Bandh, total 9.79 acres of lands were utilized by the Bihar Government in the year 1962-63.

6. The first generation during their time have not raised any claim for payment of compensation and those who claimed were granted compensation. But after lapse of such a long period of about 50 years, the next generation started



demanding compensation.

7. As such, this Court is of the view that there must be an end of litigation. Therefore, it is directed to the District Land Acquisition Officer, Khagaria that those petitioners who shall represent themselves with all the relevant documents of title and possession with regard to the land in question with their fresh representation, the District Land Acquisition Officer, Khagaria shall pass a reasoned order within six weeks from the date of filing of the representation.

8. With this direction, this writ application is disposed of.

(Dr. Anshuman, J)

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