

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7455 of 2023

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1. Gayatri Devi @ Gayatri Devi Khesan W/o Late Umashankar Prasad @ Late Umashankar Prasad Keshan R/o Chanpatiya Bazar P.S. Chanpatiya District West Champaran.
 2. Ramesh Kumar @ Ramesh Kumar Keshan S/o Late Umashankar Prasad @ Late Umashankar Prasad, R/o Chanpatiya Bazar P.S. Chanpatiya District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Motihari West Champaran.
2. The Executive Engineer, Sikarhana Tabandh at Motihari East Champaran.
3. The Circle Officer, Block Chanpatiya West Champaran.
4. The Special Land Acquisition Officer, Gandak Yojna at Muzaffarpur.
5. The Executive Engineer Design, (Flood and Control) at Muzaffarpur.
6. The Chief Engineer Design, Division (Flood and Control) at Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Respondent/s : Mr. Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-10-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to return and deliver possession of the land that was acquired by the respondents for the purpose of construction of canal in 1978 about 0.22 dismal bearing Khata No. 165 and Khesra No. 2156 out of total land measuring 3 Katha 12% Dhur and to accept payments that they have paid as compassion in lieu of acquiring land from the petitioners and to comply with Section 101, notification of the Land Acquire Law 2013 of the



Government of India.

3. It is submitted on behalf of the petitioners that the petitioners have purchased the land in question through a registered sale deed on June 6, 1977, and thereafter, this land was mutated in favor of the petitioners by Circle Officer Chanpatiya on the basis of title and possession over the land in question, for which rent is being paid to the Government of Bihar and a receipt is being issued by the Revenue Authorities. He next submits that land was acquired for the construction of Sikaranhana Tatbandh in the year 1978 by the state government. Though the land in question was acquired in 1978, till date no step has been taken to construct the canal, and therefore it is prayed that the same direction be issued to return the land and take back the compensation amount that is paid to the petitioners. In this regard, petitioners have filed separate writ petitions, but till date, no action has been taken by the respondent.

4. However, learned counsel for the state opposed the prayer and submitted that the land in question was acquired in the year 1978, and thereafter, an amount of compensation was awarded to the petitioners. However after the lapse of 45 years, the petitioners have moved this application for which there is no explanation the same and also no reason has been assigned as to



why they had no concern about the land during the aforesaid lapse period. He next submits that it is up to the government to decide whether to use the land in question or to return the land. The petitioners cannot claim as a matter of right to return the land and take back the compensation . Petitioners have already stated in paragraph 9 of the petition that they have already received the compensation amount, and as such, they have no right to raise this issue after a lapse of more than 45 years.

5. Having considered the rival submissions of parties and having perused the record, this Court is of the opinion that this writ petition is without any merit. For the reason that no chit of paper or document has been filed in support of the averments. The entire writ petition is bereft of necessary details that apart, the claim is stale and there is gross delay and laches in moving this Court for which there is no explanation in the writ petition .

6. Writ petition is dismissed accordingly.

(Prabhat Kumar Singh, J)

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