

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1006 of 2017

Saroj Kumar Yadav Son of Late Siya Ram Yadav Resident of Village Budh Nagar, Bharat Khand, P.S. Parbatta, P.O. Bharat Khand Deodhi, District Khagaria.

... .. 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.
9. The District Magistrate, Bhagalpur.
10. The Special Land Acquisition Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. S.C. Yadav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-12-2023 Heard learned counsel for the parties.

2. Present writ petition has been filed for directing the respondent authorities to pay compensation amount to the petitioner as per the present rate with interest for acquiring his land appertaining to Mouza- Saurh, Thana No. 347, Khesra No. 2576, Rakwa- 0.64 Acre through Land Acquisition Case No. 31/1962-63 for construction of retired Bandh from Pardiha to Narayanpur College.

3. Learned counsel for the petitioner submits that land of the petitioner has been acquired in the year 1962, but



payment has not been made to him till date. Learned 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 (Award) has been prepared nor it was declared. Learned counsel further submits that some of the persons were granted compensation amount *vide* Annexure 4 and 4/1 to the writ petition and though the case of the petitioner stands on the same footing, no payment was made to the petitioner.

4. Learned counsel for the State submits that payment of compensation has been made and those persons and who were not paid compensation have moved before this Court in different C.W.J.Cs in the year 2007 then in 2012 and then in 2014. He next submits that the alleged retired Bandh was constructed on the request of the predecessors of the petitioner more than 60 years ago and they have benefited from the same Bandh. It is further submitted that the ancestors of the petitioner 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 is 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. The first generation during their time has not raised any claim for payment of compensation and those who claimed it were granted compensation but after lapse of such a long period of about 50 years, the next generation started demanding compensation. As such, this Court is of the view that there must be an end of litigation.

6. This writ petition is disposed of with liberty to the petitioner to file fresh representation before the District Land Acquisition Officer, Khagaria (Respondent No. 6) with all the relevant documents of title and possession with regard to the land in question.

7. In the event such representation if filed, the District Land Acquisition Officer, Khagaria (Respondent No. 6) shall dispose of the same in accordance with law after hearing the parties within a period of six months from the date of filing of the representation.

8. Writ petition is disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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