

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12615 of 2018

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Asharphi Sah @ Asarfi Sah Son of Late Chotkan Sah Resident of Village -
Baluaha, Anchal and P.S. - Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
4. The Commissioner, Koshi Commissioner, Saharsa.
5. The Collector, Saharsa, District - Saharsa.
6. Chief Engineer, Water Resources Department, Saharsa.
7. Superintendent Engineer, Nahar Anchal, Saharsa.
8. The District Land Acquisition Officer, Saharsa.
9. The Sub Divisional Officer, Saharsa.
10. The Land Reforms Deputy Commissioner, Saharsa.
11. The Circle Officer, Mahishi Anchal, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
For the Respondent/s	:	Mr. Anjani Kumar- AAG 4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

It is the case of the petitioner that with respect to
checking of the pressure of the main dam on the koshi river, the
land of the petitioner appertaining to new khata no. 29, new
khesra no. 1945, measuring an area of 3 decimal in Mauza
Khirno, Anchal Mahishi in the District of Saharsa was acquired.



As such the petitioner prays that the respondents be commanded to make payment of the compensation amount, besides other reliefs.

A counter affidavit has been filed on behalf of the District Land Acquisition Officer, Saharsa (respondent no. 8), paragraph no. 7 of which is reproduced herein below.

“7. That it would be relevant to state here that the answering respondent has written a letter vide its letter No. 539 dated 11.8.2018 to the Executive Engineer East Embankment Chamdrayam (Saharsa) that the petitioner’s land was not acquired from the office of deponent. If the petitioner’s land is required to acquire then send acquisition as per new Act 2014 so that comply the writ application pending under consideration of the Hon’ble Court.”

Further the letter no. 539 dated 11.8.2018 written by the Special Land Acquisition officer, Koshi Project, Saharsa addressed to the Executive Engineer, East Embankment Division, Chandrayan, Saharsa has been brought on record as Annexure-A to the counter affidavit wherein once again the land Acquisition Officer categorically states that the land in question has not been acquired by the said office and in case the said land is required, appropriate steps be taken in accordance with



the Land Acquisition Rules of 2014.

In view of the categorical assertion of the respondents in the counter affidavit as stated herein above, learned counsel for the petitioner does not press the instant application for the present and seeks liberty to move the appropriate authority in case the need so arises.

This applications stands disposed of with the aforesaid liberty.

(Partha Sarthy, J)

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