

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2476 of 2018

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1. Ramasray Singh Yadav @ Ramasray Prasad @ Ramasray Yadav and Anr
 2. Ram Babu. Both Son of Devsharan Yadav. Resident of Village-Kako Tola, Islamchak, P.S.-Kako and District-Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Special Land Acquisition Officer, Flood Protection Scheme, Patna.
3. Special Land Acquisition Officer, Patna Flood Control Project, Patna.
4. The Executive Engineer, Irrigation Division, Jehanabad.
5. Amin, Mustafapur, Moranganj, Jehanabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2534 of 2018

Nand Lal Yadav @ Nand Lal Prasad son of Late Rampati Yadav, Resident of Village- Islamchak, P.S.- Kako and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Special Land Acquisition Officer, Patna, Flood Protection Scheme, Patna.
3. Special Land Acquisition Officer, Patna Flood Control Project, Patna.
4. Executive Engineer, Irrigation Division, Jehanabad.
5. Amin, Mustafapur, Moranganj, Jehanabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11384 of 2023

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1. Puna Prasad S/o Khelavan Prasad R/o Village- Islamchak, P.S.- Kako, District- Jehanabad.
 2. Suresh Prasad, S/o Jagu Prasad R/o Village- Islamchak, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Bihar, Patna.
2. The Special Land Acquisition Officer, Flood Protection Scheme, Patna.
3. The Special Land Acquisition Officer, Flood Control Project, Patna.

4. The Executive Engineer, Irrigation Division, Jehanabad.
5. The Amin, Mustafapur, Moranganj, Jehanabad.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2476 of 2018)

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.

For the Respondent/s : Mr. Sudhir Kr. Upadhyay, (AC to GP-7)

(In Civil Writ Jurisdiction Case No. 2534 of 2018)

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.

For the Respondent/s : Mr. Vikash Kumar, SC-11

(In Civil Writ Jurisdiction Case No. 11384 of 2023)

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, GA-2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 04-09-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ applications have been filed directing the concerned respondents to pay the compensation towards the excess acquired land of the petitioners 8.5 decimal under the scheme and agreement made between the parties and in pursuance of the measurement made by the respondents.

3. Learned counsel for the petitioners in C.W.J.C. No. 2534 of 2018 and C.W.J.C. No. 2476 of 2018 submits that their lands were acquired under Special Land Acquisition Proceeding but payment was not made. In the year, 2016, a Lease Case No. 02 of 2015-16 has been initiated for making the payment to the petitioners. Counsel for the petitioners further submits that during pendency of the writ petition, petitioners have received Rs.7,48,000/- and Rs.6,00,000/- respectively and

they were directed to enter into the agreement with the State under the Bihar Raiyati Land Lease Policy, 2014.

4. Learned counsel for the respondents submits that in C.W.J.C. No. 2476 of 2018, the total land acquired is 6.20 decimal appertaining to Khata No. 1359, Plot No. 2586 for which the payment of Rs.6,20,000/- has been transferred in the account of the petitioners and in C.W.J.C. No. 2534 of 2018, Rs.14,50,750/- has been paid to the petitioner, as such, their grievances have already been settled.

5. Learned counsel for the petitioners in response submits that there are still deficiency in payment, due to the reason that more area has been acquired for which the payment has not been made and secondly, on the ground that the petitioners' lands have been treated as agriculture whereas, their lands are residential in nature.

6. In this view of the matter, their grievances have not been settled as the petitioners' claim before this Court.

7. From the contract which has been prepared between the parties Annexure- R to the supplementary counter-affidavit filed in C.W.J.C. No. 2476 of 2018, it transpires that the said contract has been executed between the respondent and the petitioners. The amount of land has categorically been written but there is no indication that it has been accepted with protest. But claim of the petitioners is that their more lands have

been acquired, as from the very beginning the stand of the petitioners are there *i.e.* 8.5 decimal land has been acquired.

8. Learned counsel for the respondent submits that actually total 11.7 decimal of land of the petitioners have been acquired and earlier payment of 5.5 decimal were already been made and subsequently, by virtue of lease policy 2014, rest payment for 6.20 decimal were made and as such, the grievances of the petitioners have completely been settled.

9. In this view of the matter, from Annexure- D of the counter-affidavit, it is clear that the said measurement was made in presence of the petitioners.

10. In this background, this Court is of the opinion that the grievances of the petitioners have completely been settled.

11. Learned counsel for the petitioners of third case *i.e.* C.W.J.C. No. 11384 of 2023 submits that they are the coparceners of petitioners of first case *i.e.* C.W.J.C. No. 2476 of 2018. Counsel submits that petitioners of the first writ petition have received the payment, as per the agreement and as decided by this Court that their grievances have been settled. But actually, Annexure- 1 is the report of *Anchal Amin*, Kako accepted by the Circle Officer, Kako in which it has come that the total land of Khata No. 1359, Plot No. 2586 was acquired 14.310 decimal and not 11.7 decimal as mentioned in C.W.J.C.

2476 of 2018.

12. Learned counsel for the petitioners of third case *i.e.* C.W.J.C. No. 11384 of 2023 submits that being the coparceners, they are entitled for the amount which is more than 11.7 decimal.

13. In this view of the matter, petitioners of C.W.J.C. No. 11384 of 2023 are directed to file representation before the respondent authority, Special Land Acquisition Officer, Patna (R-2) to consider their case as per the measurement made by the Circle Officer, Kako in the year 2023 annexed in the writ petition as Annexure- 1.

14. The petitioners are directed to file representation within four weeks’ and the Special Land Acquisition Officer, Patna (R-2) is directed to decide their claim within six weeks’ thereafter by way of passing a reasoned and speaking order after granting opportunity to all concerned.

15. With this direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2023
Transmission Date	NA