

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14764 of 2018

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Fuleshwar Yadav, Son of Mahadeo Yadav, resident of Village- Olhani, P.S.
and District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Magistrate, Bhagalpur.
4. The District Land Acquisition Officer, Banka.
5. The District Land Acquisition Officer, Bhagalpur.
6. The Special Land Acquisition Officer, Medium Irrigation Pariyojna
Bhagalpur.
7. The Executive Engineer, Minor Irrigation Division, Bhagalpur.
8. The Executive Engineer, Minor Irrigation Division, Banka.
9. The Superintending Engineer, Minor Irrigation Circle, Bhagalpur.
10. The Chief Engineer, Minor Water Resources Department, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate
For the Respondent/s : Mr. Durgesh Nandan, AAG-14
Mr. Ajit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

12 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following relief(s):-

*“(i) For issuance of writ in the nature of certiorari to
quash the order of Respondent no 6 the Special Land
Acquisition Officer, Medium Irrigation Pariyojna,*



Bhagalpur issued and communicated vide letter no 03 dated 01.01.2018 by which compensation claim of the petitioner for his/ their lands already acquired by the Government has been refused.

(ii) For issuance of further writ in the nature of mandamus commanding and directing the Respondents to make available the compensation amount of the lands acquired for DAM purposes so that petitioner may enjoy his family life just to maintain his family.

(iii) That the Hon'ble Court may be pleased to grant any other relief or reliefs to the petitioners as this Hon'ble Court may think it proper in the present facts and circumstances of this case.”

3. The petitioner is aggrieved by the action of the respondent authorities especially the Executive Engineer, Minor Irrigation Division, Bhagalpur as also the Special Land Acquisition Officer, Medium Irrigation Pariyojna, Bhagalpur who have proceeded with the land acquisition case being L.A. Case no.7 of 2002-03. The land of the petitioner was acquired for the proposed construction of a new dam. In spite of the application for payment of compensation of the petitioner having been forwarded by the District Land Acquisition Officer, Banka to the Special Land Acquisition Officer, Bhagalpur, no payment of compensation was made to the petitioner. Hence the instant writ application.



4. Learned counsel for the respondents referring to the counter affidavit filed on behalf of the District Land Acquisition Officer, Banka (respondent no.4) submits that the said respondents have brought on record a copy of the order sheet of *Raiyati Manyata Case no.18* of 2022-23 (Fuleshwar Yadav vs. The State & Ors.) filed by the petitioner before the Circle Officer, Katoria, who vide his order dated 2.3.2023 did not recommend for grant of recognition to the petitioner as a raiyat and forwarded the records to the Land Reforms Deputy Collector, Banka. Further referring to the order dated 6.3.2023 passed by the D.C.L.R., Banka, learned counsel submits that the D.C.L.R. observed that the land in question was recorded as a gairmazarua/bakasht and rejected the prayer of the petitioner for declaration as a raiyat. The matter thereafter went up to the Collector, Banka, who also rejected the prayer of the petitioner vide his order dated 11.3.2023 which is annexure-H to the said counter affidavit.

5. In the opinion of the Court, in view of the contents of the counter affidavit as mentioned herein above, the Court holds that the petitioner is not entitled for grant of relief prayed for in the instant writ application. The petitioner is at liberty to challenge the orders impugned in an



appropriate writ proceeding or to move for appropriate reliefs
in the competent Court of civil jurisdiction.

6. This writ application stands dismissed.

(Partha Sarthy, J)

Shiv/-

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