

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8069 of 2017

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1. Brij Kishore Prasad Yadav and Ors S/o Lalit Prasad Yadav,
 2. Mahant Prasad Yadav, S/o Late Lakhan Raut.
 3. Rajendra Prasad Yadav, S/o Ramchandra Prasad Yadav.
 4. Jagarnath Prasad Yadav, S/o Chandrika Prasad Yadav.
 5. Mahendra Prasad Yadav, S/o Late Mathura Prasad Yadav.
 6. Ram Tapesb Yadav, S/o Late Daroga Rai. All are Resident of Village and P.O.- Laxmipur, P.S. Moffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, State of Bihar, Patna
2. Principal Secretary, Revenue and Land Reforms Department, State of Bihar, Patna.
3. Principal Secretary, Water Resources Department, State of Bihar, Patna.
4. Chief Engineer, Gandak Project, Water Resources Department, State of Bihar, Patna.
5. Superintending Engineer, Gandak Project, Water Resources Department, State of Bihar, Patna.
6. Executive Engineer, Gandak Project, Water Resources Department, State of Bihar, Muzaffarpur.
7. Special land Acquisition Officer, Gandak Project, Water Resources Department, State of Bihar, Muzaf
8. The Collector, East Champaran at Motihari.
9. Addl. Collector, East Champaran at Motihari.
10. District Land Acquisition Officer, East Champaran at Motihari.
11. Circle officer, Sadar Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-



“(i) Issuance of an appropriate writ, order or direction commanding the respondents to forthwith make payment of compensation amount to the petitioners in accordance with law in respect of the land acquired;

(ii) Issuance of an appropriate writ, order or direction commanding the respondents to forthwith implement and act in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the New Act') as the proceeding initiated under the Land Acquisition Act, 1894 (for short "The Old Act') have lapsed;

(iii) Issuance of an appropriate writ, order or direction holding that there is no sovereign immunity to the respondents to misuse and abuse of power and to determine the reasonable amount of compensation to the petitioner;

(iv) Issuance of an appropriate writ, order direction commanding the respondents not to exceed the area of the acquired land on the un-acquired exclusive land of the petitioner without the authority of law and ensuring its full protection with complete demarcation on the spot;

(v) Any other relief of reliefs may be granted to the petitioner as he is found



entitled to in the facts and circumstances of the case for the ends of justice.”

3. A counter-affidavit has been filed on behalf of the respondent No. 7 and paragraph 9 to 11 read as follows:-

“(9) That it is stated that in the meantime, the Engineer-in-Chief, flood Control and Drainage, Water Resources Department, Bihar, Patna directed Engineer, Flood the Chief control and Drainage, Muzaffarpur vide letter no. 1640 dated- 14.11.2016 to inform the Special Land Acquisition Project, Officer, Muzafarpur Gandak that construction of pilot channel for flood protection work is a temporary measure and for this permanent acquisition of the land is not required.

(10) That it is stated that in the light of the aforesaid decision, the Director, Land acquisition and Rehabilitation, Resources Department, Water Bihar, Patna directed the special Land Acquisition Officer, Gandak project, Muzaffarpur vide letter no. 2013 dated 9.12.2016 to take necessary steps in accordance with law.

(11) That it is stated that pursuant to the aforesaid directions, the aforesaid land acquisition proceeding has been stopped and the land of the petitioners or any other raiyat has not been acquired. Hence no question of



payment of compensation to anyone arise.”

4. Copy of the counter-affidavit was served upon the learned counsel for the petitioner on 06.11.2017 and there is no rejoinder to it.

5. From the aforesaid fact, it is clear that no acquisition process took place and on frivolous issue, the writ petition has been filed.

6. Accordingly, the present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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