

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4809 of 2018

1. Nakul Prasad Mandal, son of late Jagarnath Mandal, Resident of Village - Milki Sadanandpur Baisa, P.O. - Nandlalpur, P.S. - Kahalgaon, District - Bhagalpur.
2. Ram Lal Mandal, son of late Jagarnath Mandal Resident of Village - Milki Sadanandpur Baisa, P.O. - Nandlalpur, P.S. - Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Patna.
2. The Land Acquisition Officer, Land Acquisition Office, Court Compound, Bhagalpur.
3. The Chief Engineer, Irrigation Srijan, Water Resources Department, Bhagalpur.
4. The Executive Engineer, Ganga Pump Nahar Sub Division, Kahalgaon, Bhagalpur.
5. The Circle Officer, Kahalgaon, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG-4

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 18-07-2024

Heard the parties.

2. The petitioners by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seek a direction upon the respondents to ensure compensation for acquisition of their land for construction of canal.

3. From the record, it appears that vide Notification No. 325 dated 17.06.2008, proceeding for acquisition of the



land was initiated by the Special Land Acquisition Officer vide Land Acquisition Case No. 22/2007-08.

4. The learned counsel for the petitioners contended that the petitioners had purchased the land in question on 02.11.1992 by registered sale deed appertaining to Khata No. 302 and Khesra Nos. 836 and 837, which were the subject matter of land acquisition.

5. Counter affidavits have been filed on behalf of respondent no.2 as well as respondents no. 3 and 4, respectively.

6. So far the claim of the petitioners is concerned, it is urged by the learned counsel for the State that the award for acquisition of land bearing Khata No. 302, Khesra Nos. 836 and 837, area 7 decimal was prepared in the name of Gauri Shankar Mandal, S/o Late Bhagwan Mandal. Later on, it was reported that a Title Suit bearing no. 38/94 is pending in the Court of Sub Judge V, Bhagalpur with respect to the said land. Hence, the award amount of Rs. 34,940/- for the said land was deposited before the Land Acquisition Authority, Bhagalpur on 14.11.2016. However, at no point of time, the petitioners raised any objection or filed an application along with the document(s) in support of their claim in the Land Acquisition Proceeding.

7. The contention of the State has refuted by the learned counsel for the petitioners and submission has been made that the moment the petitioners came to know that their



amount of compensation was deposited before the District Land Acquisition Officer, Bhagalpur on account of pendency of the title partition suit, they immediately filed objection before the District Magistrate, Bhagalpur, but to no avail.

8. Considering the grievance of the petitioners and their averments that they had already approached before the District Magistrate, Bhagalpur as well as District Land Acquisition Officer, Bhagalpur in the year 2017 along with the relevant document(s) in support of their claim, the writ petition stands disposed of with a liberty to the petitioners to approach before the District Land Acquisition Officer, Bhagalpur along with a fresh representation and necessary document(s) to buttress their claim.

9. In case, such objection/representation is filed within a period of four weeks from today, the District Land Acquisition Officer, Bhagalpur shall consider and dispose it of, preferably within a further period of twelve weeks thereafter.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19-07-2024
Transmission Date	

