

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11465 of 2021

1. Awadhesh Prasad S/o Late Ramji Singh resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
2. Rajendra Prasad S/o Late Narayan Garain resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
3. Ramanand Tiwary S/o Late Rajbanshi Tiwary resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
4. Birendra Prasad S/o baleshwar Prasad resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
5. Santosh Kumar S/o Late lakhan Prasad Singh resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
6. Keshav Prasad @ Kesho Prasad S/o Late Hariar Garain resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.
7. Kamlesh Prasad S/o Late Harihar Singh resident of Village - Beswak, P.S. Islamapur, District- Nalanda - 801303.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Nalanda.
4. The Deputy Development Commissioner, Nalanda.
5. The Chief Engineer, Minor Irrigation Department Govt. of Bihar, Patna.
6. The Executive Engineer, Minor Irrigation Department.
7. The Sub-Divisional Officer, Hilsa, Nalanda.
8. The Circle Officer, Islampur, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-01-2024

This writ application has been filed for following

reliefs:

“(i) To issue appropriate writ/writs or
order/orders or direction/directions upon the



respondent nos. 3 & 5 directing them to acquire the lands of the petitioners in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as to 'the 2013 Act') and pay suitable compensation to each of them, as pursuant to order dated 5/11/2018 passed by this Hon'ble Court in C.W.J.C No. 11132 of 2016, the respondents authorities, upon measurement of lands of the petitioners, found that the lands of each of the petitioners have been used for the construction of canal in the year 2012 which is evident from the report dated 22/2/2019 of the Amin addressed to the respondent no.8, Circle Officer, Islampur, Nalanda, or alternatively;

(ii) Issue appropriate writ/writs or order/orders or directions/directions upon the respondent nos. 3 & 5 directing them to restore the lands of petitioners in its original shape, as was existing before construction of the canal forthwith, as per the report dated 22/2/2019 of the Amin addressed to the respondent no. 8, Circle Officer, Islampur and further the respondents may be directed to give suitable compensation to them from the year 2011 till the date of giving such compensation amount when they forcefully took the lands by cutting the harvest, palm trees and *Sesham* tress on the ground that for all these nine years, the petitioners could not carry agriculture activities which resulted huge loss to them.”



2. It is the contention of the petitioners that the revenue authorities, in collusion with the authorities of the Minor Irrigation Department, have forcibly dispossessed the petitioners and constructed canal on their *raiya* land, which is evident from the measurement made by the authorities concerned, pursuant to the order dated 05.11.2018 of this Hon'ble Court passed in C.W.J.C. No. 11132 of 2016.

3. Learned counsel for the petitioners submits that during pendency of the case, the Consolidation Officer, Hilsa, District – Nalanda directed for measurement of land in question and in compliance thereof, the petitioners' lands were once again measured on 16.11.2022 by the Amin and to this effect, a report was submitted. From perusal of the recent measurement report dated 16.11.2022 and the measurement report dated 16.02.2019, it is crystal clear that the lands of the petitioners were utilized by the respondents authorities for the construction of canal. After the aforesaid measurement made on 16.11.2022, the matter was heard by the Additional Chief Secretary, Revenue & Land Reforms Deptt., Bihar on 24.11.2022 and upon considering such measurement report, the Secretary, Rural Works Deptt., Patna was requested to take further action in the matter by taking suitable and effective steps ensuring payment



of compensation amount to the petitioners in accordance with law (copy of the order dated 24.11.2022 is at Annexure R/3 to the Reply affidavit).

4. In view of the aforesaid facts and circumstances, and from perusal of aforesaid order dated 24.11.2022 of the Addl. Chief Secretary, the writ petition is disposed of with direction to the respondents authorities to take further action in the matter and if the petitioners are found entitled, in that event, payment of compensation be made as early as possible preferably within a period of one year from the date of receipt/production of copy of this order.

5. With above observation, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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