

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5442 of 2020

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1. Rajendra Lal Das Nawal @ Rajendra Das Son of Late Pulkit Das Resident of Village- Lohfa, Police Station- Lakhnaur, District- Madhubani.
 2. Shiv Prasad Sinha Son of Sri Rajeswar Prasad Sinha @ Mahto Resident of Village- Parmesara, Police Station- Lakhnaur, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar through the Principle Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-Cum- Collector, (Special Land Acquisition Authority), District- Madhubani.
3. The Superintending Engineer, West Koshi Canal Division, Jhanjharpur, Madhubani.
4. The Executive Engineer, West Koshi Canal Division, Jhanjharpur, Madhubani.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC11

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioners and the State.

2. Writ petition has been filed for a direction to the respondent authorities to immediately stop all related work for executing the residual work of Jhanjharpur Branch Canal from R.D. 41.00 to RD 138.00 and Khairi Sub-Distributory, Dumarihi Sub- Distributory from RD 0.00 to RD 24.20 and Chikna Sub-Distributory from RD 2.36 to RD 3.80 as the land Acquisition proceeding initiated pursuant to declaration no. 385 dated 31.05.85, published in Govt. Gazette of 1985, having lapsed in



terms of section 24 (2) of the land Acquisition Act 2013, since the physical possession of the land has not been vested in the state, nor compensation or award was received by the petitioners and others and further to direct the respondents authorities not to use coercive force by excavating the land of the petitioners and others.

3. Counter affidavit has been filed on behalf of respondent nos. 3 and 4. It has been stated that in the year 2019 a tender bearing NIT No. 2SBD/2019-20 dated 11.10.2019 was issued by the Executive Engineer, Western Canal Jhanjhapur for completion of the residual canal project of Jhanjharpur branch canal from RD 41.00 to RD 138.00 and Khaiari sub distributory Demarihi Sub Distributory from RD 0.00 to RD 24.20 and Chikna Sub Distributory from RD 2.36 to RD 3.80 and said canal project has been completed in the year 2020 itself. It has further been stated that as far payment of compensation is concerned, award has already been prepared in favour of concerned raiyat against their land and the compensation amount has been paid to them but some of the raiyat/farmers have not received the compensation amount despite request made by the department of deponent. Thereafter, compensation amount has been deposited before the Rehabilitation Authority



Darbhanga and the same is evident from the list of awardees whose payment has been forwarded before the Rehabilitation Authority Darbhanga (annexure R/1 to the counter affidavit).

4. In the present case, prayer was made to stop the construction of canal, whereas the same has already been constructed in the year 2020 itself. Thus, the writ petition has become infructuous, as such, it is dismissed.

(Prabhat Kumar Singh, J)

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