

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10257 of 2023

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1. Mani Prasad Singh S/o Late Awadh Kishore Prasad Singh Resident of Lat Basepura, P.S.-Musrigharari, District-Samastipur.
 2. Ramesh Prasad Singh S/o Late Raj Kishore Prasad Singh Resident of Lat Basepura, P.S.-Musrigharari, District-Samastipur.
 3. Dinesh Prasad Singh S/o Late Raj Kishore Prasad Singh Resident of Lat Basepura, P.S.-Musrigharari, District-Samastipur.
 4. Bachandev Prasad Singh S/o Late Janak Kishore Prasad Singh Resident of Lat Basepura, P.S.-Musrigharari, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Revenue and Land Reform, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Commissioner, Koshi Division, Darbhanga.
5. The Special Land Acquisition Officer, Tirhut Project, Darbhanga.
6. The Special Land Acquisition Officer, Tirhut Project, Muzaffarpur.
7. That District Magistrate, Samastipur.
8. The Executive Engineer, Tirhut Canal Division, Motipur Camp, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, S.C.-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2024 Heard learned Counsel for the petitioners and the

State.

2. The present petition has been preferred for the
following reliefs:-

(i) to issue an appropriate writ(s),



order(s) or direction(s) particularly in nature of certiorari to set aside letter no. 407 dated 28.04.2023 whereby and under the petitioners have been informed that compensation amount of Panchat No. 43, Area-6.33 Acres, total amount Rs.47834.14 paise and Panchat No.-44, area 0.47 acres, total amount Rs.3534.87 paise related to Tirhut Canal Project of year 1973-74 is deposited in Revenue head, and further they were directed to restrain themselves in disturbing ongoing work of the project. Further vide letter dated 06.05.2023 they were threatened for criminal prosecution if they make any protest;

(ii) the petitioners further pray to issue an appropriate writ(s) commanding thus directing the Respondent(s) concerned to make re-evaluation of compensation amount as per provision, laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 thus make payment of the award accordingly and/or grant any other equitable relief/reliefs befitting in the facts and circumstances of this case.

3. As is the habit of the State Counsel, when the case was taken up and upon the query of the Court as to whether the copy of the counter affidavit has been served upon the learned Counsel for the petitioner or not, learned A.C. to S.C.-19 brings



out the copy of the counter affidavit from the file and hands it over to learned Counsel for the petitioner. The excuse as usual is the same, the Clerk called the learned Counsel for the petitioner, got no response.

4. From the aforesaid facts, it is clear that a counter affidavit that was filed on 13.09.2023, seven months later, the office through its Clerk failed to hand over the copy of the counter affidavit. This non supply of the counter affidavit seriously hamper the disposal of the writ petition and in that view of the matter, a cost of Rs. 1,000/- is imposed upon the Office of S.C.-19 to be paid to the learned Counsel for the petitioner by Friday, 3rd of May, 2024.

5. The counter affidavit of the respondent nos. 3 and 8 duly signed by the Executive Engineer, Tirhut Canal Division, Motipur Camp, Muzaffarpur clearly shows that the land in question were acquired in the year 1973-74 itself by the Special Land Acquisition Officer, Koshi Project, Darbhanga after making payment of appropriate compensation to the land holders/*raiyats* and 16.59 acres of land in Village-Lat Wasepur, Samastipur which included the land of the petitioners/their ancestors Land Acquisition Proceeding No. 05 of 1973-74. The said fact has been incorporated in the paragraph-11 of the said



counter affidavit.

6. The case of the respondents is/are that after acquisition, the Gandak Irrigation and Power Project formulated at the initiation of first President of India, late Dr. Rajendra Prasad got approval by the Planning Commission in the year 1961 itself with the aim to provide irrigation to the plains of North Bihar as also Uttar Pradesh and some portion of Nepal.

7. The work went on smoothly uptill 1984-85 but later was closed and in the year 2011-12, it was again revived. This gave an opportunity to the petitioner to once again claim for compensation. The concerned respondent has incorporated an order of the Patna High Court in C.W.J.C. No. 77 of 2014 disposed of on 25.03.2014 by which the claim of similar situate Kripa Shankar Prasad Thakur was rejected.

8. In that background, the writ petition is ill advised and fit to be dismissed.

9. Accordingly ordered. The writ petition is dismissed.

(Rajiv Roy, J)

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