

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17709 of 2024

1. Kamal Kumar Bhandari son of Late Roop Narain Bhandari resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
2. Shashi Kumar son of Late Loka Nand Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
3. Ghuran Thakur son of Late Ramphal Thakur resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
4. Sanjeev Kr. Bhandari son of Shashi Bhandari resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
5. Sumrit Khatway @ Somrit Chopal son of Jugeshwar Khatway resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
6. Jay Kishore Bhandari @ Jay Kishore Bhandari son of Late Janal Lal Bhandari resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
7. Phulo Devi wife of Ram Kishun Bhandari resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
8. Satya Narain Kamat @ Satyanarain Kamat son of Bhajji Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
9. Sudha Devi wife of Jhameli Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
10. Kusum Lal Kamat son of Kasturi Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
11. Manager Kamath son of Late Naby Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
12. Baiju Prasad Verma @ Brijlal Kumat son of Late Laddoo Lal Verma resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
13. Ram Kailash Kamat @ Kailash Kamat son of Lakhan Kamat resident of village and post - Parsa, P.S. and Anchal Ghoghardiha, District Madhubani, Bihar, pin 847402.
14. Pratosh Kumar son of Shyam Sundar Bhandari Resident of Sillugauri, South Palash, Champasari, Kalkut (P), Matigava Darjeling, West Bengal 734003 at Present Village Parsa, Post Parsa, P.S. and Anchal Ghoghardiha, District Madhubani - Bihar.
15. Deo Dutt Bhandari son of Late Baijnath Bhandari resident of village and post Parsa, P.S. and Anchal Ghogherdiha, District - Madhubani.
16. Laxmi Kamath Son of Late Subhair Kamath R/o Village and Post Parsa, P.S. and Anchal Ghogherdiha, District Madhubani.
17. Jageshwar Thakur S/o Late Mushahara Thakur R/o Village and Post Parsa, P.S. and Anchal Ghogherdiha, District Madhubani.



18. Jhameli Thakur Son of Late Ramphal Thakur R/o Village and Post Parsa,
P.S. and Anchal Ghogherdiha, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Dept., Govt. of Bihar, Old Secretariat, Patna-800001.
2. The Chief Engineer, Water Resources Department, Patna.
3. The Chief Engineer, Samastipur.
4. The District Collector, Madhubani.
5. The District Land Acquisition Officer, Madhubani.
6. The Executive Engineer, Flood Control Division-1, Jhanjharpur.
7. The Sub Divisional Officer, Phulparas, Madhubani.
8. The Anchal Adhikari, Phulparas, Madhubani.
9. The Anchal Adhikari, Ghoghardiha, Madhubani.
10. The Superintending Engineer, Flood Control Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akshay Kumar, Advocate
For the Respondent/s : Mr. AAG-4

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2024 1. Heard learned counsel for the petitioners and
learned AC to AAG-4 for the State.

2. Learned counsel for the petitioners submits that the
raiya land of the petitioners as detailed in Annexure-P/2 series
to the writ application has been utilized for expansion of eastern
embankment of Bhutahi Balan at Mauza Parsa, P.S. and Anchal
Ghogherdiha, district Madhubani in pursuance of letter no.
131/L dated 10.04.2021 issued by the respondent no. 6 without
acquisition and paying compensation to the petitioners.

3. Learned counsel for the petitioners submits that



petitioners' raiyati land has been utilized for the aforesaid purpose without acquisition and no compensation has been paid. It is further submitted that the State with brute police force took the raiyati land of the petitioners for the aforesaid purpose. It is next submitted that since compensation was not paid to the petitioners with respect to their land utilized for the aforesaid purpose as such they went to the office of the Executive Engineer, Flood Control, Sub-Division-1, Jhanjharpur raising their grievance. It is submitted that the Executive Engineer, Flood Control, Division-1, Jhanjharpur vide his letter no. 449 dated 07.04.2022 (Annexure-P/3) requested the Circle Officer, Ghogherdiha to make available the requisite necessary papers for starting the proceedings to pay compensation to the persons whose land has been utilized in the aforesaid project.

4. Learned counsel submits that the Circle Officer sat over the order of the Executive Engineer as such the petitioners were left with no option and, hence, they formed an association and represented before the Hon'ble Chief Minister, Bihar with a copy of the representation to the Collector, Madhubani as would manifest from Annexure-P/4 series. It is submitted that the representation of the association of the petitioners is dated 28.02.2023. It is next submitted that till date no action has been



taken on the representation of the association of the petitioners seeking redressal of their grievance as raised in the instant writ application.

5. Learned counsel appearing on behalf of the State submits that the writ application be disposed of with a direction to the petitioners to file their separate representation with all the requisite documents before the District Magistrate, Madhubani raising their grievance as raised in the instant writ application so that their representation can be considered and disposed of within a time frame.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioners to file their separate representation to the Collector, Madhubani annexing all the relevant documents for redressal of their grievance as raised in the instant writ application.

7. If the petitioners file their separate representation on or before 27.12.2024, the Collector Madhubani shall dispose of their representation within a period of four months thereafter.

8. It is made clear that if it is found that the land of the petitioners has been utilized for the aforesaid project without acquiring and compensating in that event the Collector shall ensure that the compensation is also paid to the petitioners in



accordance with law within a further period of six months thereafter.

(Satyavrat Verma, J)

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