

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.873 of 2023

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Ratnesh Mishra Son of Late Jagdish Mishra, resident of Village - Mahadeva,
Nonaiya Dih, P.S. - Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reform, Bihar, Patna.
2. The Director, Land Acquisition, Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Land Acquisition Officer, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-03-2024 Heard the parties.

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

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(i) for issuance of a writ in the nature of mandamus commanding and directing to the respondents particularly the respondent No 4 to make payments of compensation amount of Rs. 1,51,20,000/- (One crore, fifty one lacs, twenty thousands rupees) of the acquired land of village- Nonaiya, Thana No.- 85, Khata No.- 292. Khesra No.-1529, Rakwa- 94.5 decimal. for Indo-Nepal Border Road Project/Priyojna in which proceeding vide Land Acquisition Case No 36 /15-16



under the Bihar Land Acquisition Act has been awarded in favour of the Petitioner along with his co-sharer brother by the appropriate forum;

(ii) for issuance of a writ in the nature of mandamus commanding and directing the respondents to make directions to appropriate forum to take action against respondents why not, to make payment of compensation amount of Rs. 1,51,20,000/- (One crore fifty one lacs twenty thousands rupees) of the acquired land of village- Nonaiya, Thana No.- 85, Khata No.- 292. Khesra No.-1529, Rakwa- 94.5 decimal. for Indo-Nepal Border Road Project/Priyojna in which proceeding vide Land Acquisition Case No 36 /15-16 under the Bihar Land Acquisition Act has been awarded in favour of the Petitioner along with his co-sharer brother by the appropriate forum.”

3. A counter affidavit on behalf of the respondent no. 2, the Director, Land Acquisition, Bihar, Patna is on record in which the paragraphs 14 and 15 read as follows:

“14. That in reference to the letter no. 61 dated 29.05.2023 of District Magistrate, East Champaran, Motihari and letter no. 2775(E) dated 02.06.2022 of Engineer in Chief, Road Construction Department, Bihar, Patna, the Revenue and



Land Reforms Department, Government of Bihar has issued guideline/direction vide memo no. 1310 dated 03.10.2023 to the District Magistrate, East Champaran, Motihari regarding to make payment of compensation amount of 1,51,20,000/- to the actual/real raiyats on the term and condition that the said compensation amount will be be deemed to be advance amount of the office of District Land Acquisition till recovered from culprits and payment of compensation amount will be adjusted immediately as and when recovered from culprits.

15. That the Revenue and Land Reforms Department, Government of Bihar has sent memo no. 1326 dated 06.10.2023 to the District Magistrate, Champaran, East Motihari regarding action taken against the guilty officer and employees with regard to make fake payment to fraudulent persons of compensation amount of Rs. 1,51,20,000/- (One Crore Fifty One Lakh Twenty Thousand Rupees) of acquire land of Mauja-Nonaiyadiah, Thana No-85, Khata no-292, Khesra No- 1529, Rakba-94.5 decimal for Indo Nepal Border Road and further requested him that to send the information to the Directorate of Land Acquisition, Revenue and Land Reforms Department,



Government of Bihar.”

4. Another counter affidavit is on behalf of the respondent nos. 3 and 4 duly put on affidavit by District Land Acquisition Officer, Motihari, East Champaran and again paragraphs 10 and 11 read as follows:

“10. That the guideline/direction has been sought from the Additional Chief Secretary, Revenue and Land Reforms Department, whether the compensation amount of Rs. 1,51,20,000 (One Crore Fifty One Lakh Twenty Thousand Rupees) can be paid to the awardees from the available fund of impugned Land Acquisition Project, which will be adjusted with the same amount recovered from the culprits in Certificate Case No 01/2021-22 under Bihar and Orissa Public Demand Recovery Act 1914.

11. That as soon as the respondents get guideline/direction from the Department, the matter of pending compensation payment to the awardees shall be disposed of in the light of guideline/direction from the Department.”

5. As such a fair stand has been taken by the respondents. This Court while appreciating their efforts dispose of the writ petition with a direction to implement the contention made in the paragraphs incorporated in its letters and spirits



within a period of three months from the receipt of the representation of the petitioner.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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