

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.909 of 2024

1. Jitendra Singh S/o Late Vaidyanath Singh, R/o Village Kewalpatti, P.S. Rajnagar, District-Madhubani.
2. Rahul Kumar Singh, s/o Late Surendra Pd. Singh, R/o Village Kewalpatti, P.S. Rajnagar, District-Madhubani.
3. Mrityunjay Pd. Singh, S/o Shailendra Kumar Singh, R/o Village Kewalpatti, P.S. Rajnagar, District-Madhubani.
4. Vijendra Pd. Singh, S/o Late Narsingh Singh, R/o Village Kewalpatti, P.S. Rajnagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The Collector, Darbhanga.
4. The Collector, Madhubani.
5. The Special Land Acquisition Officer, Western Koshi Canal Project, Darbhanga.
6. Superintending Engineer, Western Koshi Canal Project, Madhubani Circle, Madhubani.
7. Executive Engineer, Western Koshi Canal Project, Madhubani Circle, Madhubani.
8. The District Land Acquisition Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate
For the Respondent/s : Mr. Randhir Kumar AC to SC 18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2024 Heard Mr. Jagannath Singh, learned counsel for the
petitioners and the State.

2. The present writ petition has been preferred for:

*issuance of a writ in the nature of
mandamus or any other appropriate writ,
rule, direction commanding the respondent*



authorities to make the payment of compensation amount to the petitioners against the lands acquired by the respondents in Case No. 14/2003-04 by acquiring Khatiyani land of the petitioners in the year 2004 but they have not been paid even a single farthing against the lands acquired by the respondents for construction of the Western Koshi Canal Project, Madhubani and though the lands have been acquired but the amount of the compensation is yet to be paid to the petitioners against the lands acquired by the respondents and hence the petitioners are entitled for the compensation under the provisions as provided under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as Land Acquisition and Fair Compensation, Act, 2013 in short) in view of the provisions of Section 24(2) of the Act and if on enquiry it is found that the respondents have neither paid the amount of compensation to the petitioners as yet even after acquiring their lands in the year 2004 then they are required to vacate the lands of the petitioners by removing the construction of canal made over the land of the petitioners without payment of compensation upto 2003-04 till



date, then the construction of canal may be removed forthwith by releasing the lands of the petitioners in their favour and also to pay a suitable amount of compensation and cost with interest to the petitioners for causing damage and loss of the usufructs of the lands of the petitioners from the year 2003-04 till the date on which the lands would be released in favour of the petitioners.

3. A bare perusal of the prayer would show that Acquisition Case NO. 14/2003-04 relating to construction of Western Koshi Canal Project, Madhubani, the petitioners have chosen to knock the door of this Court after 20 years.

4. Mr. Singh, learned counsel for the petitioners though tried to impress upon the Court that after failing to get the compensation amount, they tried to take recourse to Right to Information Act and ultimately, got the knowledge that the redressal of the grievance can be meted out by the officials of the Darbhanga and not Madhubani.

5. Learned counsel for the petitioners has taken this Court to the letter no. 88 dated 18.08.2023 (Annexure P/6), the information provided by the District Land Acquisition Officer, Madhubani by which he has informed that the said project



relates to the office of the Special Land Acquisition Officer, Darbhanga and not Madhubani.

6. Learned State counsel submits that though the claim is stale, in view of the recent information provided to the petitioner no. 1, instead of coming to the Court, they should have approached the concerned official.

7. Learned counsel for the petitioner submits that they shall be approaching the respondent no. 2, the Collector, Darbhanga as also the respondent no. 5, Special Land Acquisition Officer, Western Koshi Canal Project, Darbhanga along with their separate representation with supporting documents. He as such, wants liberty to approach the concerned official.

8. Since the RTI information provided to the petitioner by the District Land Acquisition Officer, Madhubani in the year 2023 clarifies that it has to be addressed by the office of the District Land Acquisition Officer, Darbhanga, this Court is granting liberty to the petitioners to approach the concerned official along with the separate representation as undertaken by the learned counsel for the petitioner along with all the relevant documents in next four weeks.

9. Considering the fact that the matter is of the year



2004 and in that background if they separately submit their representation with relevant documents, it would be advisable that the concerned respondent take necessary decision at an earliest.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

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