

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7291 of 2021

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Ghanshyam Singh @ Ghanshyam Prasad Singh, Son of Late Krishna Singh,
Resident of Village-Malkauli, Ward No. 1, P.S. Bagaha, District-West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Additional Secretary cum Director, Water Resource Department,
Government of Bihar, Patna.
3. The Joint Secretary, Water Resource Department, Government of Bihar,
Patna.
4. The Engineer-in-Chief, Flood Control Department, Government of Bihar,
Patna.
5. The Chief Engineer, Flood Control, Muzaffarpur.
6. The Superintending Engineer, Flood Control, Muzaffarpur.
7. The Executive Engineer cum Requisitioning Officer, Flood Control,
Division, Bagaha, West Champaran.
8. The D.M., West Champaran.
9. The S.D.M., Bagaha, West Champaran.
10. The C.O., Bagaha-II, West Champaran.
11. The District Land Acquisition Officer, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Adv.
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
CAV JUDGMENT

Date : 27-11-2025

The instant writ petition has been filed by the
petitioner under Article 226 of the Constitution of India seeking
the following reliefs :

*“ That the present application is being
filed for directing the respondents to pay the*



compensation to the petitioner of his following lands acquired by the State of Bihar for the purpose boulder pitching. The petitioner is the raiyat of Land bearing Khata No.115, Plot No.1, Area 14 Decimal in village Awasani, Thana and also Khata No. 160, Khesra No.54, Area 40 Decimal in village Mangalpur Phase No. 3. In this connection an appropriate writ and/orders and/or direction to be issued to the respondents. The necessary cost, interest and damages may also be order to be paid to the petitioner.

2. Mr. Suresh Prasad Sharma, learned counsel for the petitioner and Mr. Raj Kishore Roy, learned Government Pleader (GP)-18, were present and they were heard.

3. Learned counsel for the petitioner submitted that the petitioner is the raiyat of the land pertaining to Khata No. 115, Plot No. 1, Thana No. 141, of which area is 14 decimal, situated in village Awasani, and also pertaining to Khata No. 160, Khesra No. 54, Thana No. 142, of which area is 40 decimal, situated in village Mangalpur. For the purpose of boulder pitching and to save the Bagaha city from flood, the petitioner and other raiyats were made to understand that their land would be taken for the flood control purpose and considering that situation, the petitioner and other raiyats allowed the boulder pitching on their land between the year 2014 and 2018. During the period between 2014 and 2018,



when the boulder pitching was going on, the petitioner and other raiyats raised their objection to the land acquisition process and the payment of compensation for their land. Since the days of boulder pitching i.e. from 2014 to 2018, the petitioner has been making a demand for the payment of compensation of the land so acquired and has also prayed for other consequential benefits of the acquisition but every time the respondents assured him that the process of compensation was going on and would be provided to him in due course. Thereafter, on a representation filed by the petitioner on 03.01.2018, the Secretary to the Government Water Resources Department forwarded the said petitioner's representation to the Special Land Acquisition Officer, Gandak Project, Muzaffarpur. In response, the Special Land Acquisition Officer by his memo No. 228 dated 12.03.2018 (Annexure -3) wrote to the District Magistrate, West Champaran, requesting his report on the ownership and title of the land in question as according to him, the payment of compensation was possible only after the same. But even then no action was taken by the respondents for the grant of compensation and for granting other consequential benefits. Learned counsel further submitted that the petitioner came to know that on 23.01.2020 the Executive Engineer Flood Control,



Bagaha, took up the matter regarding the claim of the petitioner and wrote to the DM, West Champaran, for the payment of compensation, etc. to the petitioner and other raiyats as well as for his approval. Then the Executive Engineer Flood Control, Bagaha, wrote on 14.02.2020 (Annexure -5) for the constitution of a six member committee for the inspection of the place but even then, no action was taken and the income for the purpose of petitioner's livelihood has been seriously affected and he is also facing a housing problem as his residential land has been acquired. Learned counsel further submitted that initially a committee of six men was constituted from the members of Bagaha Administration and Flood Control Division, Bagaha, and the said committee in its report described the nature of the petitioner's land as *dhanhar* (agriculture, paddy growing) while the nature of the petitioner's land is residential and in this regard, sufficient photographs pertaining to his land as well as the area adjoining his land, have been filed with the petition.

4. While on the other hand, learned counsel for the State-respondents submitted that the petitioner had given his written consent for acquisition of his land situated in Awasani village pertaining to Khata No. 115, Plot No. 1 and also in respect of the land situated in village – Mangalpur, pertaining to



Khata No. 160, Khesra No. 54 and the copies of the consent letters have been filed with the counter affidavit filed by the State-respondent Nos. 1 to 7 (Annexure- 'A'). The Executive Engineer of the erstwhile Champaran Division, Motihari, made payment of Rs. 10,43,06,040/- to the Special Land Acquisition Officer, Gandak Project, Muzaffarpur vide letter No. 22 dated 09.06.2016 for acquisition of 13.17 acre land in different villages over which the boulder pitching work had been executed in the financial years 2012-13 and 2016-17. Since the lands were to be acquired under the Bihar Raiyati Land Lease Policy, 2014, the Special Land Acquisition Officer requested the Collector, West Champaran, vide letter No. 1518-1522 dated 14.10.2017 to make available the report with regard to the title and nature of the land under acquisition, for which a reminder was also sent and the said report was made available by the office of the Collector vide letter No. 623 dated 20.10.2018. Learned counsel further submitted that the acquisition proceeding was not initiated by the Special Land Acquisition Officer as the State Government took a policy decision to dissolve such offices which were established under the Directorate of Land Acquisition and Rehabilitation, Water Resources Department, Bihar, and accordingly, the said offices



were dissolved with effect from 01.10.2019. Thereafter, the compensation amount was deposited in the Government Treasury, and the records were transferred to the Flood Control Division, Bagaha. Thereafter, the Executive Engineer, Flood Control Division, Bagaha, requested the Sub-Divisional Officer, Bagaha, vide letter No. 111 dated 14.02.2020 to constitute a six-member committee in the light of the Revenue Department's letter No. 1287 dated 03.10.2017 to ascertain the nature of the lands under acquisition. In turn, the Sub-Divisional Officer constituted the committee and fixed the date for local inspection on 06.03.2020. Pursuant to that order, the six-member committee made local inspection on 06.03.2020 and submitted the inspection report on the same day determining the nature of the lands under acquisition and it appears from the said report that the lands of the petitioner have been reported to be agricultural and the inspection report of the committee has been filed with the counter affidavit filed on behalf of the State-respondent Nos. 1 to 7 as Annexure- 'C'. Thereafter, the Executive Engineer, Flood Control Division, Bagaha, requested the Sub Registrar, Bagaha, vide letter No. 468 dated 18.07.2020, as detailed in paragraph No. 9 of the counter affidavit, to make available the up-to-date Minimum Value Rate (MVR) of the



lands of the different villages which were to be acquired. The Sub Registrar, Bagaha, then made available the required report on 05.02.2021. On that basis, the Executive Engineer, Flood Control Division, Bagaha, prepared an estimation of Rs. 29,52,000/- for payment of compensation to the land owners of village Awasani, and another estimate of Rs. 1,06,69,600/- was prepared for the land owners of village Mangalpur. Thereafter, the Chief Engineer, Flood Control and Drainage, Water Resources Department, Muzaffarpur, accorded technical approval of the same and forwarded it to the Water Resources Department, Bihar, Patna, vide letter No. 1768 dated 08.08.2021 (Annexure - 'E' to the counter affidavit) for allocation of fund to the Executive Engineer and the required fund was made available to the Executive Engineer vide departmental letter Nos. 92 and 93 dated 07.02.2022 (Annexure-'F' to the counter affidavit). Now, the necessary steps are being taken for the payment of compensation to the petitioner and other landowners of villages Awasani and Mangalpur. Learned counsel lastly submitted that in compliance of this Court's direction, a fresh committee headed by the Superintending Engineer, Flood Control Division, Muzaffarpur, and others, as detailed in paragraph No. 4 of the counter affidavit filed on behalf of the



District Magistrate, West Champaran at Bettiah (respondent No. 8), was constituted, to visit and inspect the site in the presence of the affected persons, including the petitioner. A communication through letter was made to the petitioner and other beneficiaries about the formation of the committee as well as the date and time of inspection of the site and the petitioner has even acknowledged the receipt of the said letter, mentioning in his writing “received on dated 30.03.2024” (Annexure -R/3). Finally, on 06.04.2024, the inspection was conducted by the committee in the presence of the petitioner and other beneficiaries and at the time of inspection, videography and photography of the inspection was also done and accordingly, the report (Annexure-R/6) was prepared and signed by all the members of the committee and the same was approved by the Collector, West Champaran, Bettiah, on 13.04.2024 and in this regard, Spot Inspection Report of the committee with the photographs and videos (in a pendrive), have been filed with the counter affidavit filed by the respondent No. 8 and according to the said spot inspection report, the nature of the petitioner’s land situated in Mauza Awasani, has been declared as agricultural and the same nature has also been declared in respect of the petitioner’s other land situated in Mauza Mangalpur and the



committee found that 40 decimals land of the petitioner situated in Mauza Mangalpur is mentioned in the Khatian as Dhanhar Quila -1 and the land is agricultural in nature and the petitioner's other land measuring 14 decimals situated in Mauza Awasani, is mentioned in the Khatian as Kharaul and the said land is also agricultural in nature.

5. Heard both the sides and perused the pleadings of both the sides. It is an admitted position that the petitioner's lands have been acquired for the purpose of boulder pitching and the same took place in the year 2017 after the petitioner gave his consent for the acquisition, by way of his consent letters (Annexure -A to the counter affidavit filed on behalf of the respondent Nos. 1 to 7). It is also an admitted position that the petitioner has not received any compensation till date in respect of his lands which have been acquired. Though the State-respondents have given the details of several procedural steps having been taken for deciding compensation as well as the nature of the acquired lands by setting up necessary committee, however, an unreasonable inordinate delay has taken place in deciding and granting the compensation to the petitioner. As far as the nature of the petitioner's lands is concerned, his lands have been inspected at the direction of this



Court by a six-member committee, which has given its report (Annexure-‘R/6’), detailed in the counter affidavit filed on behalf of the District Magistrate, West Champaran at Bettiah, (respondent No. 8) and previously another committee had also given its report with regard to the nature of the acquired lands. The details of the procedure adopted for ascertaining the nature of the petitioner’s lands by the newly constituted committee has been given in the counter affidavit dated 26.04.2024 submitted by the District Magistrate-cum-Collector, West Champaran, which has been explained by the respondents’ counsel. This Court finds no reason to disbelieve the conclusion of the said committee with regard to the nature of the petitioner’s lands. But it is not the case of the State-respondents that the petitioner did not receive the compensation despite the respondents’ attempts and the procedural steps taken for getting the compensation amount as well as for deciding the quantum and its sanction, as detailed in the counter affidavit, can not be deemed to be a reasonable reason to justify the said inordinate delay in awarding the compensation to the petitioner. So, considering all these facts, the State-respondents are directed to decide the compensation in respect of the petitioner’s lands in the next two months from the date of this order and provide the



same to the petitioner and others who are entitled, as per the provisions of law. The Petitioner and others, who are entitled to get the said compensation, shall be given the interest as per the provisions of prevailing law for the period from the date of acquisition till the date of this order. If the State-respondents fail to give compensation to the petitioner and others beneficiaries, in respect to the lands in question, within the above fixed period, then the petitioner and other beneficiaries will be entitled to get the above mentioned interest at double rate from the concerned State-respondents on the compensation amount till the date of its payment, which will be recoverable from the erring officers by the concerned department. It is clarified that the petitioner and other beneficiaries, will have a right to challenge the award, which is to be yet prepared, as per the provisions of law.

(Shailendra Singh, J)

annu/-

AFR/NAFR	AFR
CAV DATE	13.11.2025
Uploading Date	27.11.2025
Transmission Date	NA

