

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7456 of 2017

- 1.1. Krishna Kumar Singh Son of Late Yogendra Narayan Singh, Resident of Village - Gamail, Ward No. 1, P.S. - Bihariganj, District- Madhepura (Bihar) Pin - 852101.
- 1.2. Alka Kumari @ Alka Devi W/o Late Shiv Kumar Singh, Resident of Village - Gamail, Ward No. 1, P.S. - Bihariganj, District- Madhepura (Bihar) Pin - 852101.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Water Resources Department, Bihar,
4. The Chief Engineer, Water Resources Department, Kosi Division, Saharsa.
5. The Executive Engineer, Flood Control and Water Resources Department, Kosi Division, Saharsa.
6. The Special Land Acquisition Officer, Kodi Project, Saharsa.
7. The Collector, Madhepura.
8. The Additional Collector, Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7789 of 2017

- 1.1. Krishna Kumar Singh S/o late Yogendra Narayan Singh, Resident of Village - Gamail, Ward No. - 1, P.S. - Bihariganj, District- Madhepura (Bihar), PIN - 852101.
- 1.2. Alka Kumari W/o late Shiv Kumar Singh, Resident of Village - Gamail, Ward No. - 1, P.S. - Bihariganj, District- Madhepura (Bihar), PIN - 852101.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Water Resources Department, Bihar,
4. The Chief Engineer, Water Resources, Department, Kosi Division, Saharsa.
5. The Executive Engineer, Flood Control and Water Resources Department, kosi Division, Saharsa.



6. The Special Land Acquisition Officer, Kosi Project, Saharsa.
7. The Collector, Madhepura
8. The Additional Collector, Madhepura

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 7829 of 2017

1. Viveka Nand Kumar @ Kanaihya Jee and Anr Son of Late Jaideo Prasad Kumar
2. Prem Ranjan Kumar Son of Late Adya Prasad Kumar Both are Resident of Village- Gamail P.S.- Bihariganj, Anchal- Bihariganj, District- Madhepura Bihar. Presently residing at Village- Dhrub Ganj P.S.- Kharik Bazar, P.O.- Kharik Bazar Naughachia District- Bhagalpur Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation Bhawan, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Water Resources Department, Bihar,
4. The Chief Engineer, Water Resources Department, Kosi Division, Saharsa.
5. The Executive Engineer, Flood Control and Water Resources Department, Kosi Division, Saharsa.
6. The Special Land Acquisition Officer, Kosi Project, Saharsa.
7. The Collector, Madhepura.
8. The Additional Collector, Madhepura.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7456 of 2017)

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-4

(In Civil Writ Jurisdiction Case No. 7789 of 2017)

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

(In Civil Writ Jurisdiction Case No. 7829 of 2017)

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. Harish Kumar, GP-8

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-04-2025

Heard the parties.



2. The prayers of the following writ petitions (CWJC No. 7456 of 2017, CWJC No. 7789 of 2017 and CWJC No. 7829 of 2017) are as follows:

(i) Directing the Respondent-authorities to pay the amount of compensation to the petitioner relating to the lands in question pursuant to the acquisition made by them.

(ii) Directing the respondents-authorities to pay the amount of compensation to the petitioner along with other statutory interests & solatium and other dues amounts, from the date of acquisition/taking possession of the lands in question from the petitioner, by treating the lands in question as residential in nature.

(iii) Directing the respondents-authorities to pay the amount of compensation to the petitioner as per the current Registration rate chart/existing value of land, fixed by the Government itself.

(iv) Directing the respondents-authorities to pay the amount of compensation to the petitioner as per "The Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013 (herein after referred to as the New L.A. Act 2013)" which entitles the amount of compensation four times to the Government fixed price.

(v) Holding and declaring that the whole proceeding of acquisition lapsed/quashed in view of section 24(1)(a) of the New L.A. Act, 2013, as admittedly no Award U/S 11 of old Act, 1894 has been prepared till date relating to the present acquisition.

(vi) Directing the respondent-authorities to meet all irreparable losses/damages/grievances which have caused to the petitioner due to delay in payment after about 34 years of taking possession, as the possession from the lands in question have admittedly been taken from the petitioner in the year 1983-84 itself.

(vii) Holding and declaring that the Respondents-authorities had no jurisdiction to withhold the amount of compensation of the land owners upto about 34 long years, and then lastly



closed the project without reimbursing the amount of compensation to the land owners.

(viii) Holding that the petitioner is entitled to the amount of compensation as per the market rate (laid down under Section 23 of L.A. Act, 1894 and/or section 26 of the New Act, 2013) as well as other amount of Bonus and interest over the total amount.

(ix) Granting any other relief/reliefs for which the petitioner may be found entitled to.

3. The stand of the State government put on oath by none else than the Special Land Acquisition Officer, Koshi Project, Saharsa is/are that though the proceeding was initiated for the acquisition of the lands in question, for want of fund, on 21.04.2009, the acquisition proceeding lapsed. Accordingly, the award was not prepared in the name of the landholders and they are cultivating it being its owner and for the present, it has been clarified that there is no need for acquisition process.

4. Learned counsel for the petitioners in all the cases submit that on the one hand, the stand has been taken by the State Government that they no longer want the land for acquisition process, the petitioner is in possession, cultivating



the land, on the other hand, they are not de-notifying the same to make it clear that they are not in possession. He further submits that though rejoinder to the counter affidavit could not be filed in all the writ petitions, the fact remains that contrary to the stand of State government, actually the State is in possession of the land.

5. The State has filed reply in the writ petitions, learned State counsel is unable to inform whether in the aforesaid background when the acquisition proceeding has lapsed, any step has been taken to de-notify the land. Learned State counsel however submits that appropriate step shall be taken in the matter if still not taken to get the matter clarified/the lands in question is denotified.

6. Having gone through the facts of the case and the submissions put forward by the parties, all the writ petitions stand disposed of directing the petitioners to prefer their individual petition alongwith the present order with all the details of the land in question. The process of filing representation should be completed in next four weeks.

7. In case, the same is preferred before the respondent Special Land Acquisition Officer (Now District Land Acquisition Officer), Koshi Project, Saharsa, within four weeks



he/she shall be duty bound to pass a reasoned order within four months after hearing all the parties.

8. As recorded, the process has to be completed within four months from the date, the respective representation is presented before the respondent **District Land Acquisition Officer, Koshi Project, Saharsa**. It is made clear that the matter is old and failure to act as per the direction, the petitioner shall be take immediate steps for filing comtempt petition against the Officer in question.

9. All the writ petitions stand disposed of.

(Rajiv Roy, J)

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