

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12717 of 2017

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1. Urmila Devi @ Urmila Kumari and Anr W/o Late Aditya Narayan Kumar
 2. Nutan Pandey @ Kumari Nutan D/o Late Aditya Narayan Kumar, W/o Sri Sunand Pandey Both are residents of Village - Gamail, P.S. - Bihariganj, Anchal - Bihariganj, Distt. - Madhepura Bihar. At present - C/o Sri Arun Prakash Kumar 1, Red - Cross Road, Near Akashwani Chowk Adampur, P.S. - Bhagalpur, Distt. - 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, Drainage Division, Saharsa.
6. The Special Land Acquisition Officer, Kosi Project, Saharsa.
7. The Collector, Madhepura.
8. The Additional Collector, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Nath Jha, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh, GA-2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-04-2025 Heard the parties.

2. The present petition has been preferred for the
following relief/s:

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

(iii) directing the respondents-authorities to pay the amount of compensation to the petitioners as per the Result current Registration rate chart/existing value of land, fixed by the Government themselves;

*(iv) directing the respondents-authorities to pay the amount of compensation to the petitioners 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 petitioners 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 petitioners 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 petitioners are 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 petitioners may be found entitled to.

3. The counter affidavit of the State duly filed on behalf of the respondent no.6 records that the land in question in which the petitioner is still in possession has not been acquired and he is cultivating it.

4. Learned counsel for the petitioner submits that if the same has not been acquired, it be denotified.

5. Learned State Counsel submits that if an appropriate petition is preferred by the petitioner, the same shall be considered and an appropriate order passed in the light of the counter affidavit filed by the respondent.

6. Considering the aforesaid facts, the petitioner is required to file a fresh representation before the respondent no.6, the District Land Acquisition Officer, earlier notified as Special Land Acquisition Officer, Kosi Project, Saharsa in four



weeks who shall be taking the same to its logical conclusion and if the land of the petitioner has not been acquired and still it has not been denotified to do needful in next four months.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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