

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12535 of 2017**

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Dilip Kumar Jaishwal son of Darogi Bhagat Resident of Village- Bharatkhand  
Deorhi, P.S. Parwatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Land Revenue, Patna.
3. The Director, Land Acquisition Department, Patna.
4. The Divisional Commissioner, Munger.
5. The District Magistrate, Khagaria.
6. The District Land Acquisition Officer/ Special land Acquisition Officer,  
Khagaria.
7. The Principal Secretary, Water Ways Division, Patna.
8. The Chief Engineer, Water Ways Department, Bhagalpur.
9. The Executive Engineer, Water Ways Division, Khagaria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bharat Bhushan, Advocate  
For the Respondent/s : Mrs. Nutan Sahay, AC to AAG-12

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-04-2025                      Heard Mr. Bharat Bhushan, learned counsel for the  
  
petitioner and Mrs. Nutan Sahay, AC to AAG-12.

2. The present writ petition has been preferred for the  
following relief(s):

*“for issuance of appropriate writ  
orders / direction in the nature of writ of  
MANDAMUS directing the Respondents to make  
an award and pay the compensation amount to the  
petitioner of the land Appertaining to khata no 461*



*Kheshra no /(Plot No) 2577 area about 7 katha 10 dhur and khata no 570 Kheshra no/ (Plot No) 2582 area about 6 katha 10 dhur total area of the land is 14 katha Mouza Sourdh, Touzi no-2992 Thana no 347, District-Khagaria, which was acquired in the year 1962 under the Land acquisition case no.31 of 1962-63 for construction of retired BANDH from Gogri, to Narayanpur Collage via Pandiha, but till date the compensation amount has not been paid. Thus the petitioner is kept deprived from his legitimate claim whereas land was acquired under emergent provision and after taking possession, construction of Bandh has been completed. Whereas the land belonging to other persons were also acquired in the aforesaid acquisition proceeding, they have received compensation amount by the order of this Hon'ble court vide C.W.J.C.No-14877/12 by which the petitioner also received the compensation amount appertaining to khata no 606 khesra no 2578 area 0.195 decimal on 04.08.2014 which was acquired in the same acquisition proceeding."*



3. A counter-affidavit has come on behalf of the respondent, Executive Engineer, Flood Control, Division-I, Khagaria and paragraphs 14 to 20 read as follows:

*“14. That it is stated that under the legal preposition a new the land acquisition proposal has been sent to the District Land Acquisition Officer, Khagaria alongwith Khesra List with map and also Site Selection Committee's meeting minutes, requesting estimate for 8.80 acre vide office letter no. 1367 dated 07.12.2018, reminder was also sent through letter No.1389 dated 19.12.2018.*

*15. That in spite of the letter contained in Annexures-A and B, the verification work is still pending, as such the matter was brought into the notice of the District Magistrate, Khagaria and Superintending Engineer, Flood Control Circle, Khagaria vide office letter no. 1393 dated 19.12.2018.*

*16. That the Superintending Engineer, Flood Control Circle, Khagaria also requested the District Magistrate, Khagaria for verification of Khesra list vide his letter no. 974 dated 29.12.2018.*

*17. That it is pertinent to state here that the, Joint Secretary-cum-Director Land Acquisition and Rehabilitation, Bihar, Patna vide his letter no.268 dated 14.02.2019 instructed to carry out the land acquisition process as per provision of New*



*Land Acquisition Act, 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) with the help of the District Land Acquisition Officer, Khagaria. According to clause 3 of Bihar Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 the requisitioning body should submit Land Acquisition proposal to the Collector.*

*18. That it is humbly submitted that the proposal must accompany Khatian alongwith other documents. Khatian of Mauza-Saurh is damaged as informed by the Officer In-Charge, District Record Room, Khagaria vide his letter no. 150 dated 07.12.2016. Therefore, the verification of Khesara list is necessary by the Circle Officer, Parbatta, but the verification of Khesfa list by the Circle Officer, Parbatta is still pending.*

*19. That it is most humbly submitted that the department as and when received the verification report of Khesra list by the Circle Officer, Parbatta get a fresh estimate from the District Land Acquisition Officer, Khagaria and thereafter necessary allotment of fund has to be made available for the payment of compensation.*

*20. That in view of the facts aforesaid, it is apparent that the department has all taken efficient steps for making payment of compensation, which shall be made as per existing law of land acquisition for the area of land used*



*for the construction of Bandh to the raiyat to whom the compensation has not been paid earlier.”*

4. It is the case of the petitioner that despite admitting the entire facts way back in the year 2019, they have not taken any step, as per the latest information.

5. Since there is no second affidavit of the State, as such, it is not clear to either of the parties whether the matter has been taken to its logical conclusion pursuant to the facts that has been incorporated in the counter-affidavit or not.

6. In that background, the writ petition stands disposed of with a direction to the respondents especially the respondent nos. 5 and 6, the Collector, Khagaria as also the District Land Acquisition Officer, Khagaria to look into the matter, notice the petitioner and if the matter is still pending, to take the same to its logical conclusion within four months from the date the petitioner produces the copy of the order of this Court.

7. Mr. Bharat Bhushan, learned counsel for the petitioner submits that he shall also be providing all the details supporting the case of the petitioner alongwith relevant materials to satisfy the respondent.

8. It is made clear that the matter is old and failure to



act in accordance with law within the time frame stipulated by the Court, if still has not been disposed of, serious view shall be taken in the matter.

9. The writ petition stands disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

Adnan/-

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