

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14294 of 2016

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Ganga Prasad Mahto Son of Late Buchi Mahto Resident of village- Nipania
Santhal Tola, P.S- Sarsi, Distt.-Purnea Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Principal Secretary, Water Resources Department, Bihar, Irrigation Bhawan Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Bihar Irrigation Bhawan, Patna.
4. The collector of District DM, Purnea.
5. The Special Land Acquisition Officer, Kosi Project, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, ADvocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2025 Heard the parties.

2. The present petition has been preferred for grant of
following relief(s):-

“(i) Directing the Respondent-
authorities to pay the amount of interest over the
total amount of compensation Rs. 1,14,699/-
(One Lakh Fourteen thousand, Six hundred
ninety nine) which had been paid to the
petitioners vide Annx-2, and thus the existing
Market rate has been denied to the petitioner.

(ii) Directing the respondents-
authorities either to pay themselves all the due
amount of interest /solatium and other dues
amounts from the day of acquisition/taking



possession to the petitioner or they may refer the whole matter/case before the Land Acquisition judge, as has been prayed by the petitioner U/S 18 of the L.A. Act, 1894 vide Annx- 3 hereto.

(iii) Directing the respondents-authorities to allow all the prayers made by the petitioner vide Annx-3 hereto and grant all the reliefs sought for by the petitioner therein.

(iv) Directing the respondents-authorities to pay the amount of compensation to the petitioners as per the current Registration rate chart, fixed by the Govt. for the year 2013-14, though the petitioner has been paid the amount of compensation as per the very old rate meant for the agricultural land.

(v) Directing the respondents-authorities to pay the amount of compensation to the petitioners at the rate of Rs.12,000/per decimal as the lands in question were residential in nature, or pay at the rate of 8,640/per decimal even if it is held (though denying to be an agricultural land, but the payment has been made to the petitioner arbitrarily only at the rate of Rs.3,400/ per decimal which is unjust.

(vi) Directing the respondents-authorities to pay compensation to the petitioners as per the new Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred to as the New Act 2013) which entitles the amount of compensation four times to the Government fixed price.

(vii) Directing the respondents-



authorities to treat the acquired plots in question as residential and to pay the amount of compensation as per the updated residential rate and the Market rate already fixed by the government in view of the said New Act 2013.

(viii) Directing the respondent-authorities to meet all irreparable losses/grievances which have caused to the petitioner due to the delayed payments made to the petitioners recently vide Annx- 2 after about 24 years of acquisition/taking possession, as the acquisition of the lands in question took place in the year 1988-89 itself.

(ix) Holding and declaring that the Resp. no.5 had no jurisdiction to reject the reference vide Annx- 4 hereto as prayed for by the petitioner U/S 18 or U/S 30 of the L.A. Act, 1894 vide Annx- 3 hereto.

(x) Holding and declaring that both the acquired plots are residential in nature, and the petitioner has been denied even the updated agricultural rate and interest already fixed by the Government.

(xi) 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 & section 26 of New Act, 2013) as well as other amount of Bonus and interest over the total amount.

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



3. The counter affidavit of the Special Land Acquisition Officer, Kosi Project, Saharsa is on record after service of copy to Mr. Shashi Nath Jha on 06.04.2018 and paragraph no. 5 of the said counter affidavit reads as follows:-

“5. That statement made in paragraph no. 1 (iii) of the writ petition it is stated that after proper verification as per the learned acquisition Act award no. 6 has been prepared in the name of petitioner sum of Rs. 1,14,699/- arising out of Land Acquisition Case No. 05/2011-12 the said award amount has been received by the petitioner on 16.05.2013 without any protest.”

4. Seven years later, there is no rebuttal and in that background, treating the writ petition to be infructuous, disposed of.

(Rajiv Roy, J)

Ankit Kumar/-

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