

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5395 of 2019**

Manoj Kumar Singh Son of late Matru Singh Resident of Village- Chousa,  
P.S.- Kishanganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Acquisition Department, Bihar, Patna.
2. The Principal Secretary, Land Acquisition Department, Bihar, Patna.
3. The Collector, Madhepura, District- Madhepura.
4. The Collector, Saharsa, District- Saharsa.
5. The District Land Acquisition Officer, Madhepura, District- Madhepura.
6. The Special Land Acquisition Officer, Koshi Yojna Saharsa, District- Saharsa.
7. The Executive Engineer, Water Resources Department, Udakishunganj, Madhepura.
8. The Executive Engineer, Water Resources Department, Madhepura.
9. The Executive Engineer, Water Resources Department, Saharsa.

... .. Respondent/s

**Appearance :**

|                      |   |                                       |
|----------------------|---|---------------------------------------|
| For the Petitioner/s | : | Mr. Rajesh Kumar Pandey, Advocate     |
| For the State        | : | Mr. Vikash Kumar (SC-11)              |
|                      |   | Mr. Piyush Kumar Pandey (AC to SC-11) |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 24-04-2025**

Heard Learned Counsel for the petitioner and  
Learned Counsel for the State.

2. The present writ petition has been filed for the  
following relief/s:-



*“I. For directing the respondents to make the compensation of the land of the petitioner bearing khata no.1366, khesra no.4700 total area 1 bigha 4 decimals which has been acquired by the Government for construction of Chousa Dhar Jal Nikas Nala, Madhepura and all procedure has been completed and land acquired but compensation amount has not paid to the petitioner or his ancestors whether construction of Chousa Dhar Jal Nikas Nala, Madhepura has been made over the petitioner’s land in question.*

*II. For directing the respondents to make compensation of land as a commercial rate with 18% interest p.a.*

*III. For directing the respondents to pay the cost of litigation to the petitioner.*

*IV. For any other relief or reliefs for which the petitioner is found fit and proper in the facts and circumstances of the case.”*

3. Learned Counsel for the petitioner submits that the said land in the Cadastral Survey Records of Rights is recorded in the name of grand father of the petitioner namely, Shiv Prasad Singh son of Lucho Singh, village- Chousa, P.S.- Kishanganj, District- Madhepura. Counsel submits that at the time of his grand father, the said land was proposed to be



acquisition by the Special Land Acquisition Officer, Koshi Yojna, Saharsa who sent a notice no.1356 dated 14.03.2005 *vide* case no.36/89-90. Counsel submits that the petitioner's father and grand father has filed application for compensation before the competent authority, but no response was made. Counsel submits that the present petitioner has sent a legal notice to the Special Land Acquisition Officer, Koshi Yojna, Saharsa on 08.05.2006, but no response was made. Thereafter, petitioner filed representation on 19.05.2007 to the District Officer/Collector, Madhepura for compensation. Counsel submits that even after several representations, nothing happened, then petitioner has filed an application before the Bihar State Manavadhikar Ayog, Bihar, Patna which was registered as B.S.M.A.B.P Case No.5697/2017 *vide* letter no.22595 dated 30.01.2017. The Special Land Acquisition Officer, Saharsa sent a letter no.901 dated 19.12.2017 to the Executive Engineer, Water Resources Pramandal, Saharsa and asked and requested to do the needful for fund as the compensation of the petitioner has to be paid.

4. Learned Counsel for the petitioner further submits that the petitioner is paying rent to his land to the Government of Bihar and obtained rent receipt dated



09.06.2018. Counsel submits that 30 years have been lapsed acquiring the land, but till date, petitioner has not paid his compensation which is highly callous attitude of the respondent authorities and hence, the present writ petition has been filed.

5. Learned Counsel for the State on the other hand submits that he has filed counter affidavit in which stand has been taken that the requisition was made *vide* letter no.802 dated 07.07.1989 by the Executive Engineer, Water Drainage Division no.3, Udakishunganj, District- Madhepura for construction of Chousa Dhar Jal Nikas Nala at village Chousa, P.S.- Kishunganj, Thana No.103, District- Madhepura, area 44.98 acres. Counsel further submits that the land acquisition proceeding was lapsed due to delay of land acquisition proceeding. Counsel submits that a letter bearing no.901 dated 19.12.2017 issued under the signature of Special Land Acquisition Officer, Koshi Project, Saharsa to the Executive Engineer, Water Drainage Division, Saharsa sent a fresh acquisition along with the compensation amount under the new act as well as to comply the order dated 30.01.2017 passed by the Bihar State Manavadhikar Ayog, Bihar, Patna in case no. B.S.M.A.B.P Case No.5697/2017. Counsel further submits that the Executive Engineer, Water Drainage Division, Saharsa has



written a letter *vide* its letter no.13 dated 24.01.2018 to the Special Land Acquisition Officer, Koshi Project, Saharsa that as per the inspection of said Chousa Dhar Jal Nikas Nala, neither flow of water nor water logging in the said nala. That land in question are used for agriculture purpose, rather, the nala is natural drainage and as such, there is no need of taking steps for compensation. Counsel further submits that in the light of the aforesaid letter, the Special Land Acquisition Officer, Koshi Project, Saharsa has informed *vide* letter no.236 dated 04.04.2018 to the District Magistrate, Madhepura and petitioner also that there is no need for acquisition of the petitioner's land and in view of the fact that the lands are still in possession of the petitioner and its title remained with him, as the land acquisition proceeding has been dropped.

6. In the light of the submissions made and after hearing the parties as well as perusal of the records, it transpires to this Court that the petitioner has pleaded that still he is paying the rent upto 2018 i.e. at the time of filing the present case in 2019, rent was issued in the name of the petitioner and he is in possession of the said land and particularly, the State has taken stand that the acquisition has been lapsed and the State accepts the title of the petitioner as land acquisition process could not be



completed.

7. In this background, this writ petition is hereby disposed off granting liberty to the petitioner that he enjoy the land as *raiyat* in the light of the stand taken by the petitioner.

**(Dr. Anshuman, J)**

Divyansh/-

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| AFR/NAFR          |            |
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