

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2611 of 2017

Radheshyam Roy Son of Late Parmeshwar Prasad Roy Resident of Village -
Bhathua, P.S. Aurai, District – Muzaffarpur. Petitioner/s

Versus

1. The State Of Bihar
 2. The Principal Secretary, Water Resources Department, Bihar, Patna.
 3. The Director, Land Acquisition and Rehabilitation Department, Bihar.
 4. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur.
- Respondent/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Respondent/s : Mr.Anjani Kumar-AAG-4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 15-04-2025 Heard the parties.

2. The present application has been preferred with the
following relief:

*(i) for issuance of an order, direction, writ in
the nature of mandamus directing the
respondents for payment of Rs. 4,56,480.00
(Four Lakes Fifty Six Thousand Four Hundred
Eighty) to the petitioner on account of
Acquisition of his houses and land bearing
Khata no. 461, Khesra No. 2171, Area 0.03
Decimal, for construction of Bagmati Bandh.*

*(ii) for issuance of order, direction writ in the
nature of mandamus directing the
Respondents to pay the penal interest on Rs.*



4,56,480.00 from the date of acquisition;

(iii) any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

3. Number of affidavits have come on record, one of which is the counter affidavit of respondent no.4, the Special Land Acquisition Officer, Gandak Project, Muzaffarpur and paragraph-10 read as follows:

10. that since under the aforesaid proceeding only such plots were to be acquired over which residential house (Makan mai Sahan) was situated and there was no house over the land of the petitioner, his land was subsequently excluded from acquisition and notice under section 37(2) of the Act was not issued to him. As such the petitioner is not entitled to get any compensation as his land was finally not acquired under the aforesaid proceeding.

4. Another supplementary counter affidavit has been filed in the year 2025 by the respondent, Executive Engineer,



Bagmati Division, Runnisaipur annexing letter no.613 dated 26.03.2025 and addressed to the District Land Acquisition Officer, Muzaffarpur in which request has been made to denotify the land in question of the petitioner bearing Khata No. 461, Khesra No. 2171 under Bharthua Thana No. 12, Anchal-Aurahi in the district of Muzaffarpur.

5. Learned counsel for the writ petitioner submits that the writ petition was filed in the year 2017 and even eight years later, they have still not taken a decision.

6. Upon query, the learned State Counsel submits that if the decision has not been taken till now, the same shall be taken in the next four weeks.

7. It is a fit case in which a cost be imposed upon the State for making the petitioner moving from pillar to post without taking appropriate steps to denotify the land but in view of the fact that finally good sense has prevailed and the letter no. 163 dated 26.03.2025 has been issued by the Executive Engineer, Bagmati Division, Runnisaipur, the Court refrains from imposing any cost.

8. Learned State Counsel submits that the respondent no.4, the Special Land Acquisition Officer, Gandak Project, Muzaffarpur submits that the respondent shall be taking



decision on the letter no. 163 dated 26.03.2025 issued by the Executive Engineer, Bagmati Division, Runnisaipur in next four weeks to complete the process of de-notification of the land in question bearing Khata No. 461, Khesra No. 2171 under Bharthua Thana No. 12, Anchal-Aurahi in the district of Muzaffarpur.

9. The State Counsel has further undertaken that the concerned Officer (the respondent no.4) shall be informed about present order today itself.

10. It is made clear that failure to take a decision in next four weeks, the petitioner shall be entitled to a cost of Rs.5000/- to be paid from the pocket of the concerned Officer (the respondent no.4) and shall also be liable for contempt if the petitioner makes an appropriate petition after the completion of the time.

11. The writ petition stands disposed of.

(Rajiv Roy, J)

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