

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16784 of 2021

=====

Shahid Ahmad Son of Late Shabbir Ahmad, Resident of Village- Mureth,
P.S.- Arer, District - Madhubani. At present resident of Mohalla - Car World
Goushala Road Raza Manzil Near Madarsa, P.S.- Town (Madhubani), District
- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director of Land Acquisition and Rehabilitation/Water Resource Department of Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Special Land Acquisition Officer of Kosi Project, Darbhanga.
4. The Executive Engineer of Western Kosi Canal Division I Madhubani.
5. The Circle Officer, Benipatti Circle of Madhubani District.
6. The Public Information Officer cum Executive Engineer of Western Kosi Canal Pramandal, Darbhanga.
7. The District Land Acquisition Officer of Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate
For the Respondent/s : Mr. Rajan Prakash, AC to G.A.-2

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-09-2025 The instant petition has been filed by the petitioner

under Article 226 of the Constitution of India by the petitioner

seeking the following reliefs:-

*“ i). For setting aside the frivolous
antedated order dated 8.5.2020 passed by the
respondent no. 6 (Executive Engineer Western Kosi
Canal Pramandal Darbhanga) vide annexure-11 of
this petition whereby and where under the respondent
concern without giving opportunity to the petitioner
as well as without considering the factual aspect of
the case refused the prayer of petitioner with extent*



to grant compensation amounts of the petitioner under section 24(2) of the newly Land Acquisition Act 2013 with regard to the land of petitioner pertaining to old khata no. 50, khesra no. 1801, 1802 new khata no. 890 plot no. 3255 area about 9 Dicial situated at mouza Mureth, Anchal Benipatti of Madhubani district, which has been usurped by the authority concern under the excavation of minor canal of western Kosi project without following the provision of Land Acquisition Act after ignoring the objection made by the mother of petitioner namely Najma Khatoon as well as the petitioner from time to time and as such frustrate the order dated 17.2.2020 passed by the Hon'be High Court, Patna earlier in C.W.J.C No. 25480/2019.

ii). For issuance of direction to the authority concern to immediate provide the compensation amounts to the petitioner with regards to the above mentioned land with penal interest in accordance with the provision of section 24(2) of newly amended Land Acquisition Act of 2013.

iii). For issuance of direction to the authorities concern to provide the litigation cost as well as cost for un-necessary creating agony either mentally or pecuniary to the petitioner with regards to the above mentioned land in question which has been utilized by the authority concern for excavation of minor canal under the project of western Kosi at village of Mureth of Benipatti Anchal of Madhubani district taking advantage of living outside of the petitioner for his livelihood from the State.”



2. Heard both the sides and perused the relevant materials as well as the order dated 08.05.2020 which has been impugned by the petitioner.

3. The petitioner earlier preferred CWJC No. 25480 of 2019 praying for the same relief, which was decided by this Court vide order dated 17.02.2020, directing the Land Acquisition Officer, Koshi Project, Darbhanga, to dispose of the representation of the petitioner by a reasoned order. After the passing of that order, the petitioner filed his representation vide Annexure-8 dated 16.03.2020, upon which the impugned order dated 08.05.2020 was passed. The petitioner has taken the plea that during the period of filing his representation, there was a prevailing situation of Covid-19, and the impugned order does not clearly show that any opportunity of hearing was given to the petitioner or that he was allowed to adduce evidence in respect of his claim for compensation.

4. After perusing the impugned order, this Court finds substance in the aforesaid submissions. Furthermore, the impugned order does not show the application of mind by the Executive Engineer with regard to the petitioner's plea as to whether his land was excavated for the purpose of construction of the Koshi Canal or not, although it has been mentioned that a



sum of Rs. 25,982.00/- has been deposited in respect of the petitioner's claim by way of an 'Award'. Accordingly, the impugned order dated 08.05.2020 is hereby set aside, and the Executive Engineer, Western Koshi Canal Pramandal, Darbhanga (कार्यपालक अभियंता, पश्चिमी कोशी नहर प्रमण्डल, दरभंगा) is hereby directed to decide the petitioner's representation afresh after giving a sufficient opportunity to produce evidence in support of his claim for compensation and thereafter pass a reasoned order.

5. The petitioner's representation must be decided within three months from the date of receipt of this order's copy.

6. Accordingly, instant writ petition stands disposed of.

(Shailendra Singh, J)

maynaz/-

U			
---	--	--	--

