

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12786 of 2014

1. Ram Prasad Mahto and Ors son of Late Jadolal Mahto
2. Birendra Mahto son of Late Shivgulam Mahto
3. Rajmangal Mahto son of Late Tharu Mahto
4. Arjun Baitha son of Bharat Baitha
5. Shaikh Isha Mohammad son of Late Shal Mohammad
6. Laxmi Prasad son of Late Kailash Mahto
7. Rajkali Devi wife of Late Achhe Lal Mahto
8. Md. Mustak son of Late Shekh Muslim
9. Rajendra Prasad son of Shri Sitaram Shah All resident of village - Oshogi, P.S. Bargania, District - Sitamarhi
10. Ramchandra Shah Son of Late Badri Shah
11. Sakuntala Devi wife of Late Pralahad Sah
12. Baidya Nath Prasad son of Late Pralahad Sah All resident of village - Bargania, P.S. Bargania, District - Sitamarhi
13. Nathuni Prasad Gupta son of Late Ramchandra Shah resident of village - Bhakraha, P.S. Bargania, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Rehabilitation and Land Acquisition, Water Resources Department, Govt. of Bihar, New
3. The Chief Engineer, Water Resources Department, Valmikinagar
4. The Superintending Engineer, Flood Control Scheme and Monitoring Anchal, Sichai Bhawan, Patna
5. The Superintending Engineer, Water Drainage and Investigation Anchal, Motihari
6. The Executive Engineer, Water Drainage and Investigation Anchal, Motihari
7. The Collector, Sitamarhi
8. The District Land Acquisition Officer, Sitamarhi
9. The Special Land Acquisition officer, Gandak Scheme, Muzaffarpur
10. The Sub - Divisional Officer, Water Drainage and Investigation, Turkauliya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prasoon Sinha, Sr. Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-6

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

6 18-08-2025 Heard Mr. Prasoon Sinha, learned Senior Counsel
for the petitioners and Mr. Anjani Kumar, learned counsel for
the State.

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

“(i) To command the respondents to complete all formalities of Land acquisition proceeding with respect of pieces of land detailed in paragraph no.5 of the writ petition within a time frame from the stage of issuance of notice under section 11 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to make the payment of compensation amount in the light of Resolution contained in Memo No.15/D.L.A. policy (Rehabilitation) 07/06-747/RA dated 13.5.2008 under Bihar Land Acquisition (Resettlement Rehabilitation) policy and 2007 by completing the formalities as per the provisions laid down of the aforesaid Act 2013.

(ii) To command the respondents in alternative to restore the land to the respective petitioners with sufficient amount of damage caused to land and also for payment of appropriate compensation for depriving them from the possession of land since 2002-2003.

(iii) To grant any other relief or reliefs to which the petitioners are entitled for.”



3. Learned senior counsel for the petitioners prays for and is allowed to implead the Executive Officer, Bagmati Division, Sitamarhi as respondent no.11 in course of the day.

4. Pursuant to the order dated 04.08.2025, the District Land Acquisition Officer, Sitamarhi as also the Executive Officer, Bagmati Division, Sitamarhi are present.

5. The counter affidavits of both the District Land Acquisition Officer, Sitamarhi and the Executive Engineer, Bagmati Division, Sitamarhi are on record after service of copies to the learned senior counsel for the petitioner, according to which now the claim has to be settled by the Executive Engineer, Bagmati Division, Sitamarhi.

6. Pursuant to the query made by learned senior counsel for the petitioner, the Executive Engineer, Bagmati Division, Sitamarhi has clarified that so far as the consent letter is concerned, the affidavit before the learned First Class Magistrate shall suffice.

7. It has been informed with the help of the documents that on 10.03.2025 (vide letter no.358) and on 14.06.2025 (vide letter no.892), the Executive Engineer, Bagmati Division, Sitamarhi requested the petitioners to provide certain documents which include consent letter as also the PAN/



Aadhar Card besides cancelled cheque.

8. Two Annexures i.e. Annexures-A and B clearly show that the same were received by the petitioner no.9, namely, Rajendra Prasad. The third document is a letter no.1055 dated 19.07.2025 issued by the Office of the Executive Engineer, Bagmati Division, Sitamarhi and addressed to the District Land Acquisition Officer, Sitamarhi, in which the chart has been given to show that payments have been made to all the petitioners minus the petitioner no.9.

9. This Court must record that when the payment is/are not made, it is the duty of the office concerned to record the reason why payment has not been made. No such observation/remark is/are there to the prejudice of the petitioner no.9 and which forced this Court to ensure the presence of the two officers.

10. With the consent of the parties, the Court directs the petitioner no.9, namely, Rajendra Prasad to appear before the Executive Engineer, Bagmati Division, Sitamarhi on 01.09.2025 at 12:00 P.M. along with all the documents, who shall verify the same and if the documents are in order, should make payment immediately.

11. It is made clear that if there is absence of any



document, the petitioner no.9 be given short adjournments to ensure that he provide the document and if the payment is not made by 30.09.2025, concerned officer/authority shall pass appropriate order and hand over a copy of the same to the petitioner no.9.

12. If all the documents are in order, the payment has to be made on or before 30.09.2025, whereafter it shall be paid along with 12% interest till actual payment is made which shall borne from the pocket of the concerned officer.

13. The writ petition stands disposed of.

14. The personal appearance of District Land Acquisition Officer, Sitamarhi as also the Executive Engineer, Bagmati Division, Sitamarhi stand dispensed with.

(Rajiv Roy, J)

anand/-

U			
---	--	--	--

