

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23235 of 2018

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Lal Bahadur Singh Son of Late Shivendra Prasad Singh Resident of Village-
Haru Dumra, P.S.- Alam Nagar (Old P.S.- Kishanganj), District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Depart., Govt. of Bihar.
4. The Divisional Commissioner, Koshi Division, Saharsa.
5. The District Magistrate/ Collector, Madhepura, District- Madhepura.
6. The District Magistrate/ Collector, Saharsa, District- Saharsa.
7. The District Public Complaint Redressal Officer, District- Saharsa.
8. The Special Land Acquisition Officer, Kosi Yojana, District- Saharsa.
9. The District Land Acquisition Officer, Madhepura, District- Madhepura.
10. The Executive Engineer, Water Nissaran Division, Saharsa, District- Saharsa.
11. The Executive Engineer, Water Drainage Research Division- 3, Kosi Yojana, Udakishunganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-11-2025 Heard Mr. Sharda Nand Mishra, learned counsel for

the petitioner and learned counsel representing the State.

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

*“for issuance of the writ nature of
certiorari for quashing the memo no.405 dated*



29.11.2016 (Ann-14) issued by the Respondent no. 10 Executive Engineer by which rejected the claim of the petitioner for compensation of the acquired land, which has acquired by the Acquisition Case No. 79/11982-83 (Ann-2) as well as Gazette notification memo no.417 dated 12.08.1994 (Ann-5) and also has not complied the directions of the order Respondents Commissioner which was passed by the order dated 09.11.2016 (Ann-12) by which directed to respondent no.10 that after hearing the parties to pass speaking orders but did not pass rather fulfilled a formulative and further quashing the letter bearing memo no.313 dated 05.09.2016 (Ann-13) by which stated that land of the petitioner was not acquired and no need for acquire and stated that as per the enquiring found in the place of project having natural canal and further issue for direction to the respondents to pay the compensation amount of the land of the petitioner has been acquired in pursuance of the Acquisition Case No. 79/1982-



83 (ann-2) as well as notification dated 12.08.1994 (Ann-7) and letter dated 31.07.2017 (Ann-16) issued by Respondent No.8 by which stated that land of the petitioner bearing Khesra No.697, 674, 676, 677 & 885, total Area 0.92 Decimal have been acquired by the respondents for drainage and further issue direction to respondents to pay the compensation of the acquired land of the petitioner along with the interest 11% per annum to till date of full and final payment and further give other legal consequential benefit to the petitioner.”

3. A counter affidavit has been filed on behalf of the respondent no.8 after service of copy to the learned counsel for the petitioner on 14.05.2019, paragraph no. 9 and 10 of the said affidavit shows that letter bearing memo no. 313 dated 05.09.2016 has been issued by the Executive Engineer, Drainage Division, Saharsa to the Special Land Acquisition Officer, Koshi Project, Saharsa stating that there is no need for utilization/fresh acquisition of land in question. It further records that the land has not been vested with the government and the title still remains with the owner as the acquisition



proceeding has lapsed.

4. Taking into account the aforesaid averment, which has not been countered by the petitioner, wherein it has been stated that the acquisition proceeding has lapsed and the title remains with the owner, the writ petition stands disposed of.

5. Learned counsel for the petitioner submits that liberty be granted that if fresh situation warrant, he can move before the court. Such liberty is always there.

6. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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