

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17930 of 2017

1. Parmeshwar Mahto
2. Mathura Mahto
3. Dahren Mahto All sons of Late Jugeshwar Mahto, Resident of Village-Ramdasi, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Development Department, Government of Bihar, Patna.
3. The Chairman, Bhudan Yagna Committee, Gaya.
4. The Collector, Nawada.
5. The Executive Engineer, Phulwaria Waterways Dam Project, Haldia at Rajauli, P.S.- Rajauli, Distric
6. The Special Land Acqusition Officer, Flood Protection, Anisabad, Patna.
7. The Anchal Adhikari, Rajauli, P.S.- Rajauli, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Bohra, Advocate Mr. Sudhir Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 28-07-2025 Heard the parties.

2. The present petition has been preferred for the following relief/s:

*(i) for issuance of writ in the nature of
mandamus and/or other appropriate writ/
writs commanding and directing the*



respondent authority to make payment of the adequate compensation with interest under the provisions of Right to Fair Compensation (Rehabilitation and Resettlement) Act, 2013 for the raiyati land of the petitioner acquired by the State of Bihar for rehabilitation of destitutes of Phulwariya Dam Project, Haldia at Rajauli;

(ii) for a direction/command to the respondent authority for the rehabilitation and resettlement of the petitioner under the provision of the said Act, 2013;

(iii) for any other relief or reliefs for which these petitioners would be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioners submit that during the pendency of the petition, petitioner nos.1 and 2 died and only the petitioner no.3 survives and liberty be given to the legal heirs to agitate the matter before the concerned Court in Title Appeal No. 44 of 2018 beside the petitioner no.3.

4. He submits that the **Title Suit No. 80 of**



1996/49/99 (Parmeshwar Mahton & Ors. vs. the State of Bihar & Ors) was decreed in their favour on 27.11.1999 and only after the filing of the writ application in the year 2017 i.e. after 20 years, the State filed **Title Appeal No. 44 of 2018 (the State of Bihar through Collector, Nawada vs. Parmeshwar Mahto & Ors)**

5. The submission is that a perusal of the order-sheets that has been filed by way of supplementary affidavit clearly show that from 2018 to present day, they are buying time.

6. Learned State counsel submits that all endeavours are being taken to get the Title Appeal No. 44 of 2018 taken to its logical conclusion and the State shall be pursuing the matter diligently.

7. The petitioner got an order in the year 1999. We are in the year 2025. They have not tasted the fruits of the said order as 20 years later, the State has filed Title Appeal No. 44 of 2018.

8. Since however, the State has now awaken from deep slumber, they are duty bound to pursue the matter and get an order in their favour as also make an appropriate application for the interim protection.

9. If the State fails to get any interim order in the Title



Appeal No. 44 of 2018 in next one year i.e. by 27th July, 2026, they are duty bound to implement the order passed by the Title Court in Title Suit No. 80 of 1996/49/99.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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