

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7453 of 2021

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Vimlesh Kumar S/o Brij Kishore Thakur R/o Mathna @ Basua PS-Katra,
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar (Through the Principal Secretary) Department of Land and Revenue.
2. The D.M. (Muzaffarpur).
3. Land Acquisition Officer (Muzaffarpur)
4. Circle Officer Katra Block, Dist. Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Advocate.
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought, *inter alia*, following relief(s), which is

reproduced hereinafter:-

*“That the application has been filed for the
issuance of writ of mandamus directing the respondents to
make the payment for the land of the petitioner which has
been acquired for the construction of Bagmati Bala
embankment at village Madhana @ Basua in the district of
Muzaffarpur.”*

3. Learned counsel appearing on behalf of the

petitioner in support of the claim and the relief as prayed for in

the writ petition has brought on record the special Notice dated

22.07.2008 issued in requisite form, which gives detail of the



Khata, Khesra and total area of the land which were acquired by the original landholder Late Brij Kishore Thakur, son of Late Ram Lakhan Thakur. Learned counsel informs that the petitioner is the son of Late Brij Kishore Thakur who died in the year 2020. It is further informed that no action was taken on the application filed before the Special Land Acquisition Officer, Muzaffarpur subsequent to the notice which was received by the father of the petitioner and in the meantime, by lapse of time, the entire globe was affected by COVID-19 pandemic which ultimately took the life of the father of the petitioner on 15.01.2020. Learned counsel submitted that petitioner had approached the District Magistrate cum Collector, as well as, the Land Acquisition Officer for making payment of due compensation in respect of the land which has already been acquired and admitted by the State Government.

4. *Per contra*, learned counsel appearing on behalf of the State submitted that the land in question was acquired for the purpose of Bagmati Pariyojna for construction of embankment in the area and the father of the petitioner or petitioner himself are responsible for not receiving the due amount of compensation for which already Award notice has been issued to the father of the petitioner as it would appear



from Annexure-9 annexed with the writ petition. Learned counsel further submitted that delay which has been caused in payment of the compensation, the State cannot be held responsible. The writ petition is fit to be dismissed being premature as the petitioner has not availed compensation amount in spite of the fact that Award notice was issued in the year 2008.

5. Heard the parties.

6. It is admitted by the State that the land as prescribed in the notice dated 22.07.2008 was issued in the name of Late Braj Kishore Thakur, son of Late Ram Lakhan Thakur of village – Basua, Katra, Muzaffarpur and was acquired for the purpose of construction of embankment in Bagmati Pariyojna.

7. Record reveals that no application was filed on behalf of the late father of the petitioner or the petitioner in spite of the fact that Special notice was issued in the year 2008. Petitioner's counsel has submitted that in spite of the application having been made for receiving the due compensation amount in light of the notice subsequent to the notice dated 22.07.2008 by the father of the petitioner, no action was taken by the Special Land Acquisition Officer, Muzaffarpur for the reason best known to him.



8. Considering the information, I find it appropriate to direct the District Magistrate and the Special Land Acquisition Officer, Muzaffarpur to ensure payment of due amount of compensation in respect of the land which has been acquired for Bagmati Pariyojna for construction of embankment as described above as per the present MVR existing in the area considering that the petitioner has not received any compensation since year 2008 and the value of the land in course of time has increased. Such determination must be made by the Special Land Acquisition Officer on the basis of recent MVR as notified by the State Government.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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