

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19267 of 2016

-
1. Harihar Mahto, son of Late Bake Mahto
 2. Shiv Nandan Mahto, son of Late Bake Mahto
 3. Ram Kalewar Mahto, son of Harihar Mahto
 4. Dorik Mahto @ Duraika Mahto, son of Late Bake Mahto All resident of village Basant, P.S. Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Muzaffarpur Division, Muzaffarpur.
4. The Collector, Muzaffarpur.
5. The Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava

For the Respondent/s : Mr. Manoj Kr. Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 06-04-2026 Heard learned counsel for the petitioners as well as
learned counsel for the State.

2. This writ application has been filed by the petitioners for quashing the notices issued *vide* Memo Nos. 1185, 1186, 1187 and 1188 dated 20.10.2016 under the signature of the Special Land Acquisition Officer, Gandak Project, Muzaffarpur whereby, the petitioners have been directed to refund the amount of compensation which was received by them towards their acquired land in view of Land Acquisition Case No. 26 of 2010-11 for the construction of



Bagmati Dam.

3. Learned counsel for the petitioners submits that the land was acquired being in the nature of residential and Award was accordingly made and the Award amount was paid to the petitioners in the year 2016 itself after due process of law. All of a sudden, the notices *vide* Memo Nos. 1185, 1186, 1187 and 1188 dated 20.10.2016 were issued by Respondent No. 5 to the petitioners as aforesaid. The said notices were issued pursuant to a complaint filed by one Smt. Renu Shahi, widow of Ashok Kumar Shahi. The said notices were issued without giving opportunity to the petitioners to rebut the allegation as alleged by a villager.

4. On the other hand, learned counsel for the State submits that on the direction of this Hon'ble Court *vide* order dated 13.01.2026 a report was called from the Collector, Muzaffarpur and accordingly the Collector, Muzaffarpur constituted a team for inspection and after due notices, in presence of the petitioners as well as other officials, the land was measured and report was submitted before this Court i.e. Annexure-R1. It is submitted that the Committee conducted a spot inspection on 25.02.2026 in the presence of the petitioners and others. The petitioners confirmed the identification of the



land in question. It is further stated that during the inspection, no residential structure was found on the location indicated by the petitioners over Plot No. 154, Area 1 acre 73 decimals. The petitioners, however, claimed that a house existed there earlier but was washed out due to Bhagmati River flood owing to the change in its course in the year 2013.

5. Learned counsel for the State further submits that on examination of record, it was found that the nature of land was categorized as residential on the basis of report submitted by then officials and the Special Land Acquisition Officer, Ratuara, Muzaffarpur. Specifically, the measurement and classification were carried out by the then *Amin* and In-charge Draftsman-cum-Estimator and Executive Engineer, Bagmati Division, Runni Saidpur had also forwarded requisition papers indicating existence of structures. However, certain irregularities in compensation payments were not only confined to the petitioners' land alone but extended to seven villages. Consequently, Muzaffarpur Sadar P.S. Case No. 503 of 2016 dated 13.09.2016 was registered against the then Special Land Acquisition Officer and 15 other government officials. Charge-sheets have been filed and departmental proceedings including dismissal from service have been initiated against the erring



officials.

6. Learned counsel for the petitioners submits that the petitioners have no remedy but to file writ application for redressal of the grievance. If any inquiry report is against them, a chance may be given for its rebuttal.

7. Considering the aforesaid facts, liberty is granted to the petitioners to file detailed objection in the light of notices dated 20.10.2016 and report dated 25.02.2026 (Annexure-R/1) before the Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur within a period of four weeks from today.

8. Further, the Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur, is directed to dispose of the objection filed by the petitioners, preferably, within six months from the date of filing of the same after due opportunity of hearing to the parties. It is further directed that no recovery shall be made from the petitioners till the final disposal of the objection filed by the petitioners, if any.

9. Accordingly, this writ application is disposed of.

(Khatim Reza, J)

prabhat/-

U			
---	--	--	--

