

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14231 of 2023

Pramod Kumar Roy S/o Late Gaya Prasad Roy, Village - Jhandapur West,
Ward No. 01, P.S. - Bihpur, District - Bhagalpur, Bihar – 853201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
2. The Additional Chief Secretary, Disaster, Management Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Director, Land Acquisition, Department of Land Reforms and Revenue, Government of Bihar, Patna.
5. The Engineer-in-Chief (Flood Control and Water Drainage), Water Resources Department, Government of Bihar, Patna.
6. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
7. The District Magistrate-cum-Collector, Bhagalpur.
8. The Additional District Magistrate-cum-Collector, Bhagalpur.
9. The District Land Acquisition Officer, Bhagalpur.
10. The Senior Deputy Collector, District Disaster Management Branch, Bhagalpur.
11. The Deputy Collector Land Reform (DCLR), Naugachia, District - Bhagalpur.
12. The Sub-Divisional Officer, Naugachia, District - Bhagalpur.
13. The Executive Engineer, Water Resource and Disaster Management Department, Naugachia, Bhagalpur.
14. The Circle Officer, Kharik Circle, District - Bhagalpur.
15. The Executive Engineer, Flood Control Division, Naugachia, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aatish Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, S.C.-25



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-03-2024

Heard learned Counsel for the petitioner and the State.

2. The present petition has been preferred for the following reliefs:-

(i) for directing the respondents to pay the Solatium and compensation amount in the multiples of the current prevailing Market Value Rate (MVR) along with consequential benefits forthwith for the illegally and forcefully acquired land/plot of the petitioner without any prior notice, written information and without following the due procedure of law by respondents with respect to the following land in the District of Bhagalpur bearing (a.) Jamabandi No. 222, Khata No. 22, Khesra No. 1819, 1820, 1821, 1822, 1824, 1833 measuring a total area of 5.21 Dismil of land, (b.) Jamabandi No. 315, Khata No. 316, Khesra No. 1842, 1860, 1864, 1868 admeasuring an area of 3.42 Dismil of land, (c.) Jamabandi No. 314, Khata No. 314, Khesra No. 1790 admeasuring an area of 1.43 Dismil of land, Khesra No. 1861 admeasuring an area of 1.52 Dismil of land, (d.) Savit Khata No. 218, 630, 1022, Khesra No. 1797 New, 975/976 admeasuring an area of 1.43 Dismil of land, (e.) Received through Kewala having Sale-Deed No. 2940, Khata No. 59, Khesra No. 996, 997 admeasuring an area of 0.44 Decimal of land,



Khesra No. 1995 HAL, 1844 admeasuring an area of 0.48 Decimal of land, Lekhyadhari-Gaya Rai @ Gaya Prasad Roy (Late Father of Petitioner), Khesra No. 1995, 1944 admeasuring an area of 0.48 Decimal of land, (f.) Khesra No. 1815, Khata No. 187 admeasuring an area of 88 Dismil of land through Sale Deed No. 2423 in Mauza Madan Maheshpur. Thana No.26, Circle-Kharik, District-Bhagalpur;

(ii) in case, the aforesaid prayer is denied by the respondents then in alternate for issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to arrange and provide the rehabilitation/resettlement of the petitioner by giving him an alternate piece of land or plot of a similar measurement and nature of land which is illegally acquired without following any due procedure of law by the respondents as the said acquired land is agricultural land and is the only source of livelihood of the petitioner;

(iii) for directing respondents for the payment of compensation and solatium to be made along with 12 per cent interest from the date of illegal acquisition i.e. July 2021 done by the respondent in view of the provisions contemplated under Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 forthwith;

(iv) for restraining the respondents from



taking any coercive steps till the disposal of this writ application and thereby putting an injunction/stay on the ongoing works being carried out on the land in question by respondents in complete derogation of the law and in teeth of various Judgments of the Hon'ble Apex Court as well as of this Hon'ble Court.

3. A counter affidavit on behalf of the Executive Engineer, Flood Control, Division-Naugachia, Bhagalpur is on record and paragraph 10 and 11 read as follows:-

"10. That the Letter No. 1398 dated 12.08.2023 the Circle Officer, Kharik has communicated to the District Public Complaint Redressal Officer, Bhagalpur that the measurement of the land cannot be done due to rainy season as well as deposition of water at the connected land.

11. That as far as payment of the land of the Petitioner bearing Khata No. 222, Kheshra No. 1819, Area 1.41 Decimal is concerned it is stated that the department of deponent has already made estimate and sent before the department for its approval as well as allotment."

4. Learned Counsel for the petitioner, at this stage, submits that the respondents have acquired more than the area they have shown in the counter affidavit. He submits that the same is much more than that and as such, a fresh measurement



is required for which he is ready to pay measurement cost as ascertained by the respondent authorities.

5. Learned Counsel for the State Counsel has no objection to have the said fresh measurement done. This Court is also of the view that when the petitioner is disputing the area that has been acquired, a fresh measurement should be done in the presence of the respondent authorities as also the petitioner for which he has already accepted to pay the cost.

6. Accordingly, the writ petition stands disposed of with the following observations:-

(i) the petitioner shall submit a fresh petition alongwith requisite fee before the District Land Acquisition Officer, Bhagalpur who shall constitute a team for fresh measurement of the land in question;

(ii) the aforesaid exercise be completed within four weeks from which the petitioner prefers his petition along with the documents with requisite fees;

(iii) once the proper measurement is done in the presence of the petitioner as also all the concerned parties, the District Land Acquisition Officer, Bhagalpur shall make appropriate recommendation for the payment of the compensation relating to the land which has been acquired;



(iv) the payment shall be made within a period of maximum six months from the date an order is passed.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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