

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13845 of 2021

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Rajeev Ranjan, son of Shiv Kumar Singh, resident of Village Fulaut, Police Station Chousa, District Madhepura.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate/ Collector, Madhepura.
3. The Sub Divisional Officer, Udakishunganj, Madhepura.
4. The Branch Manager, Bandhan Bank, Purnea.
5. The Additional District Land Acquisition Officer, Udakishunganj, Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Prem Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.C.-19 Mr. Saurabh Kumar, A.C. to S.C.-19
For the Bandhan Bank	:	Mr. Dayanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 15-09-2023

In this case, the petitioner is challenging the letter dated 13.04.2021 issued by the respondent no.3 (Sub Divisional Officer, Udakishunganj, District-Madhepura), by which the respondent no.3 requested the Branch Manager of Bandhan Bank, Purnea Branch, to stop the withdrawal of the amount from the account of the petitioner. Further prayer of the petitioner is to direct the respondent no.3 to return the compensation amount, which has been granted for his acquired land and also not to give effect to the letter dated 16.04.2021



issued by the respondent no.3, by which the respondent no.3 requested the Branch Manager of Bandhan Bank, Purnea Branch, to withdraw the compensation amount along with interest from the account of the petitioner and credit the same in the account of the Additional District Land Acquisition Officer, Udakishunganj.

2. The short facts of this case are that the land of the petitioner was acquired by the Road Transport and National Highways Department in Land Acquisition Case No. 01 of 2017-18 and finally the award dated 10.06.2019 was passed. After the award, the compensation amount was deposited in the bank account of the petitioner.

2.1. According to the petitioner, he is the owner of the acquired land and was in possession of the said land. The petitioner has inherited the land in question and there has been no dispute at the time of adjudication/determination of the compensation amount. Upon enquiry, as mandated under Section 15-A of the Land Acquisition Act, the compensation amount was granted to the petitioner for his acquired land on the basis of the entry made in Khatiyani, Malguzari Receipt, Land Acquisition Certificate and other materials collected during the course of the ex-parte confidential enquiry. However, all of a



sudden, the respondent no.03 issued a letter dated 13.04.2021 to the respondent No. 04 to freeze the account of the petitioner on the ground that the compensation amount has wrongly been paid to the petitioner as he had concealed the fact that the land in question was already acquired by the authority of the Water Resources Department.

2.2. Vide letter dated 12.04.2021 the petitioner was also directed to refund the compensation amount on the ground that the land of the petitioner has already been acquired by the Water Resources Department. Thereafter, the respondent no.03 vide letter dated 16.04.2021 requested the Branch Manager of Bandhan Bank, Purnea Branch to withdraw the compensation amount from the account of the petitioner and credit the same in the account of the Additional District Land Acquisition Officer, Udakishunganj. The petitioner filed a reply to the notice but the same was not considered and rejected on the sole ground that the said reply was without Vakalatnama of the advocate. By letter dated 20.04.2021, the Bandhan Bank intimated the petitioner that his account has been put under restriction. The petitioner sent a notice to the Bandhan Bank questioning the freezing of his account. However, on 24.05.2021 the compensation amount of the petitioner, which is lying the



bank account of the petitioner, has been transferred in the account of the Additional District Land Acquisition Officer, Udakishunganj. Hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner was in peaceful possession of his land and the same has been acquired by the respondent authorities and when everything was found to be in order the payment of compensation was granted to the petitioner. He further submits that the letter of the Sub-Divisional Officer directing the petitioner to refund the compensation amount is illegal as the payment of the compensation has been made after due verification of documents submitted by the petitioner.

4. Learned counsel for the petitioner further submits that if the land has been acquired by the Water Resources Department, the records such as, Jamabandi Register II, Khatiyan etc. should have reflected the same. The ownership documents of the petitioner such as, Title Deed, Revenue Receipts, Land Possessions Certificate go to show that the petitioner is still the owner of the land and the land was not acquired by the Water Resources Department. Moreover, the possession of the land in question was never taken by the Water Resources Department and the said department did not file any



objection during the objection period of an award under section 3-C of the National Highways Act to challenge the award given to the petitioner under 3-G of the National Highways Act to claim that the land belongs to them previously.

5. Learned counsel for the petitioner also submits that the argument of the State that earlier the land in question was acquired for the Water Resources Department has not been supported by any document and no document has been annexed with the records and no details of any payment which was made to the petitioner at the time of acquisition of land by Water Resources Department has been mentioned in the counter affidavit.

6. By making the aforesaid submissions, learned counsel for the petitioner submits that the action of the respondent authorities in freezing the account of the petitioner and transferring the amount of compensation in the account of the Additional District Land Acquisition Officer, Udakishunganj is illegal and this Court may direct the respondent authorities to refund aforesaid compensation amount, which was credited in the account of the petitioner for his acquired land.

7. In this case, a counter affidavit has been filed by the State. It has been stated in the counter affidavit that as per



the cadastral survey, the land of the petitioner was originally a *Gair Majarua Aam* Land and later on, the said land was recorded in the name of the father of the petitioner in the revisional survey but, on query by the authority, the petitioner was not able to show on what basis the land in question was recorded in the name of his father.

8. It has also been stated that the land in question was acquired by the Water Resources Department in the year 1973-78 for which the Government had already awarded compensation to the then owner of the land in question but thereafter the Water Resources Department had not taken any steps for mutation of the aforesaid land. It has also been stated that the petitioner has obtained the award in his favour by suppressing the aforesaid facts and therefore, the petitioner is not entitled for any relief from this Court.

9. I have heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bandhan Bank and also perused the materials on record. It is an admitted fact that the land in question belonging to the petitioner was acquired vide Extraordinary Gazette of India dated 10.09.2018 and thereafter in between 18.12.2020 and 22.12.2020 the compensation was paid to the petitioner after all



proper verification regarding ownership of the land. The respondent no.3- Sub Divisional Officer sent a notice on 12.04.2021 to the petitioner asking to return the compensation amount on the ground that the land had already been acquired in the past by the Water Resources Department and the petitioner was directed to deposit the compensation amount by 27.04.2021. The aforesaid letter dated 12.04.2021 was issued by the Sub Divisional Officer, Udakishunganj without initiating any proceeding against the petitioner and without hearing the petitioner. The order of recovery has been passed without notice and without giving the details as to the grounds on which the recovery was ordered. The bank was coerced by the Sub Divisional Officer, Udakishunganj to freeze the account of the petitioner and finally on 16.04.2021 the bank has been forced to return the amount to the State without serving any notice to the petitioner or the bank.

10. From the facts stated in the writ petition, which have not been denied by the State or the bank, it emerges that the recovery has been made without hearing the petitioner or without initiating any proceeding against the petitioner. Though on 19.04.2021 the petitioner had written a letter to the Sub Divisional Officer, Udakishunganj pursuant to the notice



dated 12.04.2021 giving the details of all the facts and the details of the ownership documents of the land in question, which were verified by the Sub Divisional Officer himself before the amount was released in favour of the petitioner. Further, the Khatiyani, Land Possession Certificate (LPC), Land Revenue Receipts have been submitted before the acquisition of the land and only after examining the documents, the compensation amount was released.

11. The petitioner had also questioned the freezing of his account in the Bandhan Bank without following the due process of law and the restriction to operate the account on the orders of the Sub Divisional Officer, which was without any authority. Consequently, the amount of Rs.1,28,23,328/- has been recovered from the petitioner, which was lying in his bank account in the Bandhan Bank, Purnea Branch. The bank has illegally without any legal order has transferred the entire amount to the account of the Additional District Land Acquisition Officer, Udakishunganj on the pressure exerted by the Sub Divisional Officer. The petitioner being the recorded tenant cannot be denied the compensation amount on mere statement of the Sub Divisional Officer on behalf of the State without a legal proof. Further, the counter affidavit of the



Bandhan Bank only shows that the bank has acted pursuant to the pressure exerted by the Sub Divisional Officer on behalf of the State Government.

12. From the discussions made above, it is clear that the amount which was lawfully credited in the bank account of the petitioner after proper verification of his documents for the acquired land, which is in the name of the petitioner or his family members, has been illegally recovered from the bank account of the petitioner without initiating any proceeding in law for recovery of the aforesaid amount. The bare minimum which was required to be followed by the Sub Divisional Officer, before making the recovery of the aforesaid amount was to initiate a proceeding against the petitioner, issue notice to the petitioner and after hearing the petitioner may have passed any order in accordance with law. This procedure could have been followed by the authorities under the law applicable in such cases. Hence, the entire action of the recovery of the amount from the bank account of the petitioner is held to be illegal and not authorized by law and therefore, the same cannot be sustained. The forced withdrawal of the amount which was lying in the bank account of the petitioner tantamounts to extortion by the State without following the due process of law.



Moreover, when the petitioner had given an undertaking at the time of the disbursal of the compensation amount on an affidavit, there was no need for proceeding for recovery without initiating a proceeding.

13. In view of the aforesaid discussions, this writ petition is allowed. The respondent nos. 2 and 3 are directed to refund the amount in the bank account of the petitioner within fifteen (15) days from the date of receipt/communication of a copy of this order. However, the State and its authorities will have liberty to initiate a proceeding for recovery of the amount, which is said to be wrongly disbursed in favour of the petitioner, in accordance with law after the amount in question is transferred to the bank account of the petitioner.

(Sandeep Kumar, J)

Vikas/Pawan-

AFR/NAFR	A.F.R.
CAV DATE	23.11.2022
Uploading Date	15.09.2023
Transmission Date	N.A.

