

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16705 of 2013

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1. Smt. Jageswari Devi, Wife Of Sri Dwarika Gope, Resident At Village - Shekhpura, P.O. Gowasha Shekhpura, P.S. Pandarak, Barh, District - Patna
2. Sri Dwarika Gope, Son Of Late Ragunath Gope, Resident At Village - Shekhpura, P.O. Gowasha Shekhpura, P.S. Pandarak, Barh, District - Patna, Bihar

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary
2. Union Of through the Secretary Energy, New Delhi
3. The Secretary, Revenue and Land Reforms Department, Bihar, Patna
4. The Collector, Patna, District, Patna
5. The District Land Acquisition Officer, Patna
6. The Chief General Manager, East Zone, N.T.P.C., Patna, Bihar
7. The General Manager, N.T.P.C. Barh, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s

: Mr. Sanjay Kumar, Adv.
Mrs.Meenu, Adv.

For the Respondent nos.1&3to5 : Mr. Prabhu Narayan Sharma, AC to AG

For the Respondent no.2 : Mrs.(Dr.) Punam Kumari Sinha, Adv.

For the Respondent nos.6&7 : Mr.Anil Kumar Sinha, Adv.
Mr.Shakib Ayaz, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 08-12-2015

Heard the parties.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for enhancement of the award amount for the lands in question allegedly belonging to the petitioner for which award(s) has already been prepared under the provisions of The Land Acquisition Act, 1894 (in short 'Act, 1894') way back in the year 2009.

The learned counsel appearing on behalf of the petitioners submits that the quantum of award fixed by the Collector under the Act, 1894 for acquisition of the lands in

question was not adequate and award amount has not been fixed by looking into all the relevant materials including the policy decision of the State Government of the year 2007.

In compliance of the earlier order passed by this Court, a counter affidavit has been filed on behalf of the respondent nos.4 and 5, wherein it has been stated that the award was prepared by the Collector under the provisions of the Act, 1894 on 20.02.2009. The copies of the notices issued under Section 12(2) of the Act, 1894 have been brought on record as Annexure-A series to the aforesaid counter affidavit.

In the considered opinion of this Court, if the petitioners are not satisfied with the quantum of the award amount so fixed, then they have statutory remedy under Section 18 of the Act, 1894 and for that they are required to file an appropriate petition before the Collector under the Act, 1894 whereafter the matter can be referred to the competent Civil Court for deciding the claim of the petitioners.

In the aforesaid factual matrix, the writ petition is disposed of with a liberty to the petitioners to file an appropriate petition before the Collector under the Act, 1894 for making reference to the Civil Court in terms of Section 18 of the Act, 1894.

If such a petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the Collector under the Act, 1894 shall be obliged to consider their claims and shall pass an appropriate order for referring the matter to the Civil Court in terms of Section 18 of the Act, 1894.

The petitioners shall be at liberty to raise all the

issues of facts and law with respect to the higher amount of compensation with respect to the lands under dispute before the authorities/court concerned.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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