

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3004 of 2015

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Abdhesh Kumar Singh son of Arjun Prasad Singh resident of village Khaira
(Bishunpur) P.O. Kajra, P.S. Surjgarha, Dist. Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar Patna.
2. The General Manager, N.T.P.C. Lok Nayak Jai Prakash Bhawan, Patna.
3. The Collector, Lakhisarai
4. The Land Acquisition Officer, Lakhisarai.
5. The Circle Officer, Surjgarha, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate.

For the Respondent/s : Mr. Ashok Kumar Choudhary, AAG-13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 20-02-2015

Heard the parties.

With their consent the application has been
considered and is being disposed of at this stage.

0.56 decimals of land appertaining to khata no. 1355,
khesra no. 3755 stood acquired by the State for National Thermal
Power Corporation. A notice under Section 9 of the Land Acquisition
Act (for short 'the Act') was issued in the year 2011 calling upon the
petitioner to produce relevant document of title as well as valuation of
land. It appears that thereafter the respondents considered the matter
in the light of the provisions contained in Section 23 of the Act and
quantified the compensation amount. Two years thereafter a
representation is said to have been filed enclosing therewith the

relevant document and claiming enhanced compensation.

The contention of the petitioner is that the land of the petitioner which have been acquired has commercial value inasmuch as he has been paying commercial land rent. It has, thus, been contended that the representation of the petitioner filed before the District Land Acquisition Officer be directed to be disposed of.

Counsel for the State, on the other hand, submits that Section 23 of the Act does not contemplate residential or commercial nature of the land. An opportunity appears to have been granted to the petitioner to raise a claim in this regard. If any such grievance regarding inadequacy of compensation is raised before this Court, the petitioner should be directed to invoke the jurisdiction of the Authority under Section 18 of the Act.

Counsel for the petitioner, in reply, submitted that the compensation amount, as per the award, has not till date been received by the petitioner and as such he is entitled to make an application for enhancement of the compensation amount.

Considering the submissions of the parties and on going through the materials on record, this Court is satisfied that the present application be disposed of by permitting the petitioner to invoke the jurisdiction of the authority under Section 18 of the Act by filing fresh application and/or pursue his representation which is said

to have been filed before the District Land Acquisition Officer (Annexure-2). Needless to observe in any event the District Land Acquisition Officer would consider the representation/ claim of the petitioner, if not already considered, in accordance with law as quickly as possible preferably within two months from the date of receipt/ production of a copy of this order.

(Kishore Kumar Mandal, J)

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