

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18004 of 2015

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1. Sunil Kumar Singh, son of Late Ram Saran Singh
2. Balwant Kumar Singh, son of Sunil Kumar Singh
3. Smt. Pratima Singh, wife of Balwant Kumar Singh
4. Anil Kumar Singh, son of Late Ram Saran Singh
5. Smt. Asha Singh, wife of Anil Kumar Singh
6. Yaswant Kumar Singh, son of Anil Kumar Singh
7. Prashant Kumar Singh, son of Anil Kumar Singh
8. Abhay Kumar Singh, son of Late Ram Saran Singh
9. Jayant Kumar Singh, son of Abhay Kumar Singh
10. Smt. Priyanka Singh, wife of Jayant Kumar Singh
11. Bijayant Kumar Singh, son of Abhay Kumar Singh
12. Nishant Kumar Singh @ Nishant Kumar, son of Subodh Kumar Singh
13. Abhishek Kumar Singh, son of Subodh Kumar Singh
14. Gaurav Kumar Singh, son of Subodh Kumar Singh
All residents of village- Kunjwan, Post Office and Police Station -Pirpainti,
District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna.- 800 015
2. The Director, Land Acquisition, Directorate, Bihar, Patna
3. The Commissioner, Bhagalpur Division, Bhagalpur
4. The Collector, Bhagalpur
5. The District Land Acquisition Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.K.N.Choubey, Sr.Adv.
Mr. Ambuj Nayan Chaubey, Adv.
Mr.Ashok Kumar Garg, Adv.
Mr.Dineshwar Pandey, Adv.
Mr.Akhilesh Kumar Pandey, Adv.
Mr.Yogendra Dwivedi, Adv.
For the Respondent/s : Mr. D.K. Sinha, AAG-2
Mr.Biresh Kumar Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-03-2016

Heard the parties.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that, though their lands, fully detailed in paragraph 5 of the writ

petition, have been acquired under the provisions of The Land Acquisition Act, 1894 (in short 'Act, 1894') for the purposes of Pirpainti Thermal Power Project, Bhagalpur, but they have not been paid adequate compensation for the same.

Learned senior counsel appearing on behalf of the petitioners submits that, in fact, for acquisition of the lands for Thermal Power Project in question, there has been discrimination for determining the award amount. According to him, the petitioners are entitled to be given similar treatment and are entitled to receive similar/same amount of compensation, which have been paid to the other farmers, whose lands have been put in Bhag 2 land for the project in question. Further grievance raised on behalf of the petitioners is that, for redressal of their valid grievances, they filed their representations before the respondent District Collector, Bhagalpur, as contained in Annexure-6 series, but till date neither their representations have been disposed of nor their grievances have been redressed.

Learned AAG-2 appearing on behalf of the respondents submits that, if appropriate separate representations/petitions are filed on behalf of the petitioners before the respondent District Collector, Bhagalpur with all supporting documents, then their cases shall be considered and decided in accordance with law.

In above view of the matter, each of the petitioners are granted liberty to file their separate comprehensive representations/petitions with all supporting documents before the respondent District Collector, Bhagalpur raising all the issues, which have been raised in the present writ petition.

If such separate fresh representations/petitions are

filed on behalf of the each of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Bhagalpur either himself or, as per his direction, the respondent District Land Acquisition Officer, Bhagalpur shall be obliged to consider and decide the claims raised on behalf of the each of the petitioners separately by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representations/petitions.

However, if the respondent District Collector, Bhagalpur comes to a conclusion that the claims raised on behalf of the petitioners cannot be effectively decided by him or the District Land Acquisition Officer, Bhagalpur, then he shall consider for referring the matter to the Civil Court in terms of Section 18 of the Act, 1894, whereafter the matter shall be decided in accordance with law.

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

(Birendra Prasad Verma, J)

Arvind/-

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