

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4028 of 2014

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1. Awdhesh Mehta S/O Late Kishun Mehta, R/O Village- Jhikatia, P.O.- Piraunta, P.S. Navinagar, District- Aurangabad
 2. Mahendra Kumar S/O Ramawatar Prasad, R/O Village Jhikatia, P.O.- Piraunta, P.S. Navinagar, District- Aurangabad

.... Petitioner/s

Versus

1. The Union of India, through Secretary, Energy Department, Govt. of India, New Delhi
2. Chairman National Thermal Power Corporation, New Delhi
3. Chief Executive Officer, B.R.B.C.L., (Bhartiya Rail Biduyut Corporation Limited), Dalmia Nagar, Dehri, Distt. Rohtas
4. Director, Human Resources, B.R.B.C.L. Dalmia Nagar, Dehri, Rohtas, Sasaram
5. The State of Bihar through the District Magistrate, Aurangabad
6. District Land Acquisition Officer, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh, Adv.

Mr. Santosh Kumar, Adv.

For the Respondent No.1: Dr. Punam Kumari, Ad.

For the Respondent Nos. 2,3 & 4: Anil Kumar Sinha, Adv.

For the Respondent Nos. 5 & 6: Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 21-09-2016

Heard the parties.

2. The matter in issue is the acquisition of the lands in question, fully detailed in paragraphs-6 and 7 of the writ petition, for “Make up water pump House and Pipeline corridor” for Nabin Nagar Super Thermal Power Project in the district of Aurangabad (Bihar).

3. Originally, the writ petition was filed on behalf of the petitioners raising a grievance that without preparation of award under the provisions of The Land Acquisition Act, 1894 (In short ‘Act, 1894’), the respondent authorities are trying to take possession over the lands in question belonging to the petitioners. Therefore, an

appropriate direction was sought from this Court for protection of their interest.

4. This matter was heard earlier on different dates. In the light of the previous orders passed by this Court, a counter-affidavit on behalf of the respondent nos. 5 and 6 as also a separate counter-affidavit on behalf of the respondent nos. 3 and 4 were filed. Thereafter, in the light of the order dated 13.7.2016, a supplementary counter-affidavit has been filed on behalf of the respondent nos. 5 and 6 giving full details of two separate land acquisition proceedings initiated under the provisions of the Act, 1894 with respect to the lands in question, detailed in paragraphs 6 and 7. In the aforesaid supplementary counter-affidavit, it has been averred that though all the procedures under the provisions of the Act, 1894 were complied with, but due to certain protest, the final award could not be prepared and signed. It has further been averred in the aforesaid supplementary counter-affidavit that now, separate awards have been prepared with respect to the lands in question under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short 'Act, 2013'), which have been brought on the record as Annexure-L & N respectively to the aforesaid supplementary counter-affidavit. Separate notices have also been issued to the interested persons under Section 37(2) of the Act, 2013, which have been brought on the record as Annexure-M & O respectively, of the aforesaid supplementary counter-affidavit.

5. The learned counsel appearing on behalf of the petitioners submits that if the amount of compensation determined by the Collector under the Act, 2013 is paid to the interested persons including the petitioners, then they would have no grievance about

acquisition of the lands in question. He further submits that a direction may be issued to the respondent authorities to pay the aforesaid award amount at an earliest.

6. The learned AC to the learned A.G. appearing on behalf of the respondent nos. 5 and 6 submits that if the interested persons in whose favour awards have been prepared, appear before the Collector under the Act, 2013, then compensation amount shall be paid to them without any unnecessary delay, unless and until any contrary order is passed by any higher authority/ court.

7. In view of the aforesaid fair stand taken by the parties, the present writ petition is disposed of with a direction to the respondent no.6 to pay the amount of compensation, so determined under the provisions of the Act, 2013, to the interested persons including the petitioners, if they appear before him with all relevant documents, at an earliest, but not beyond the period of four weeks from the date of their appearance.

8. The writ petition stands finally disposed of with the observations and directions made above. No costs.

(Birendra Prasad Verma, J)

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