

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14839 of 2014

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1. Makuni Yadav S/o Late Yamuna Yadav
2. Pawan Yadav S/o Late Yamuna Yadav
3. Harihar Yadav S/o Kholi Yadav
4. Pramod Yadav S/o Saudagar Yadav
5. Damodar Yadav son of Late Yamuna Yadav
6. Jichu Yadav Son of Bhothri Yadav
7. Bhothri Yadav S/o Ganauri Yadav
8. Chaudhary Yadav S/o Bhothri Yadav
9. Etwari Yadav S/o Ganauri Yadav
10. Kholi Yadav S/o Ganauri Yadav All Resident of village - Kamalpur,
P.S. Pirpainti, District - Bhagalpur

.... Petitioners

Versus

1. The State of Bihar through the Commissioner, Revenue and Land
Reforms Deptt. Govt. of Bihar, Patna
2. The General Manager, N.T.P.C., Kahalgaon, District - Bhagalpur
3. The Collector, Bhagalpur
4. The District Land Acquisition Officer, Bhagalpur
5. The Circle Officer, Pirpainti, District - Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.
For the State : Mr. Harish Kumar, G.P. 8
For Respondent No. 2 : Mr. Anil Kumar Sinha, Adv.
Mr. Abhimanyu Deo, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

3 10-10-2017 Heard the parties.

At the very outset, learned counsel appearing for the
respondent no. 2 submits that respondent no. 2 has wrongly been
made party to this petition and, therefore, he should be exonerated
from this petition.

The grievance of the petitioners is that their lands upon
which their houses stood, were acquired by the concerned



authority for construction of Pirpainti Thermal Power Project though there were some other lands also available for the aforesaid project.

Learned counsel appearing for the petitioners submits that petitioners are poor and landless persons and their houses stood on acquired lands and they have raised their grievance before the District Magistrate, Bhagalpur by filing representation dated 05.04.2013 but up till now, the District Magistrate, Bhagalpur has not passed any order on the aforesaid representation.

On the other hand, learned counsel appearing for the State submits that the acquisition proceeding has almost on the verge of completion and moreover, the petitioners have no right to compel the authority concerned to choose a particular land because the officials of concerned authority are more competent to decide as to which land is to be acquired for start of concerned project.

I do agree with the submission of learned counsel of the State because it is well settled principle of law that it is the State officials who decide the lands for start of any project and the affected persons cannot compel the State authorities to choose different and particular land.



Therefore, in the aforesaid circumstance, I have no option except to dispose of this petition giving direction to the District Magistrate, Bhagalpur to dispose of the representation filed on behalf of the petitioners in accordance with law within a month from the date of receipt/production of copy of this order.

With the aforesaid observation and direction, this writ petition stands disposed of.

(Hemant Kumar Srivastava, J)

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