

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19402 of 2012

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1. Nageshwar Prasad Singh S/O Late Ram Khddowan Singh R/O Village-
Dashratha, P.S.- Beur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Bihar, Patna
2. The Collector, Patna
3. Bharat Petroleum Corporation Limited Through Its Regional Manager,
Sipara, Patna
4. The Regional Manager, Bharat Petroleum Corporation Limited, Sipara,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit
For the BPCL: Mr. Siddhartha Prasad
Mr. Om Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 31-07-2017 Counter affidavit is filed on behalf of the respondent
nos. 3 and 4.

Heard the parties and perused the record.

The land of petitioner was acquired by the State government on the requisition of respondent no. 3 Bharat Petroleum Corporation Ltd. in the year 1995. The notice under section 9 of the Land Acquisition Act was served to the petitioner, who filed objection for which L.A.Case No. 72 of 1995 was registered. However, the petitioner was not satisfied with the amount of award and subsequently, the matter was referred to the civil court. The civil court enhanced the amount of award and out



of which the original amount i.e.3,62,879.11/- was paid to the petitioner but remaining amount of Rs. 1,94,540.62/- was due. The officials of the State government wrote several letters to the respondent no. 3 but all went in vain and, thereafter, petitioner filed this writ petition in the year 2012.

Respondent no. 3 has raised an objection in his counter affidavit that neither at the time of fixing of amount nor enhancement of the amount any notice was given to the respondent no. 3 which was mandatory in view of section 50(2) of land acquisition Act, 1894.

It is an admitted position that original amount of award had already paid to the petitioner but enhanced amount of Rs. 1,94,540.62 is still due . The respondent no. 3 denies its liability on the strength of section 50(2) of the land Acquisition Act, 1894 but, in my view, Section 50(2) 1894 is of no help to respondent no. 3 because the aforesaid provision gives an option to the concerned authority to appear and adduce evidence for the purpose of determining the amount of compensation but that section does not mandatory either for petitioner or for requisitioning authority to implead the company as a party to the proceeding. Moreover, it would appear from annexures annexed to this petition that the District Magistrate wrote several letters to the respondent no. 3 for



making payment of remaining dues to the petitioner but the respondent no. 3 did not pay any heed towards the letters of District Magistrate(Collector).

Considering the aforesaid facts and circumstances as well as submissions of the parties, this writ petition is allowed and accordingly, respondent nos. 3 and 4 are directed to ensure the payment of remaining dues of petitioner with 15% statutory interest per month within a month from the date of receipt/ production of a copy of this order.

(Hemant Kumar Srivastava, J)

N.K/-

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