

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18750 of 2014

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1. Nidhi Kumar Mishra son of Shri Ramesh Chandra Mishra, resident of Village- Dhakjari, P.S. Arer, District- Madhubani
 2. Rajendra Kumar Mishra, son of Late Satish Chandra Mishra, resident of Village- Dhakjari, P.S. Arer, District- Madhubani
 3. Manoj Kumar Mishra son of Late Satish Chandra Mishra, resident of Village- Dhakjari, P.S. Arer, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The Collector cum District Magistrate, Madhubani
3. The Additional Collector, Madhubani
4. The District Land Acquisition Officer, Madhubani
5. The Deputy Collector Land Reforms, Benipatti, Madhubani
6. The Anchal Adhikari, Madhwapur Anchal Dist. Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Mayanand Jha, Adv.

For the Respondent/s : Mr. P.N. Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-09-2017

Heard learned counsel for the petitioners and counsel for the
State.

The present matter relates to compensation amount for the
land appertaining to R.S. Plot No. 5360, Khata No. 1237, Thana No. 68,
Area 1 Acre as the land has been taken into possession by the Bihar State
Power Holding Company for the purpose of establishing a power sub-
station known as Saharghat power sub-station by making payment of Rs. 24
lakhs to the District Magistrate cum Collector, Madhubani vide letter no.
2208 dated 28.9.2006.

In the present case, in the Cadestral Khatiyani, the land was
recorded in the name of forefather of the petitioners but, in the R.S.



Khatiyan, the status of the land has been shown as Anabad Bihar Sarkar. On the basis of the entry made in the revenue record, the Collector has allowed to establish the sub-station and payment has been made to the State Government whereas learned counsel for the petitioners submits that by mistake the land has been recorded as Anabad Bihar Sarkar but, in fact, it is the family land having been acquired by the ancestors and, for that, they have already filed a title suit before the Civil Court for declaration of the right, title and possession over the land, in question.

As already the payment has been made to the State of Bihar which has been deposited in the State exchequer, any payment of compensation amount will be governed by the outcome of the judgment and decree of the title suit. If the title suit is decided in favour of the petitioners, it goes without saying that the petitioners will be at liberty to make his claim for recovery of the amount along with interest.

With the aforementioned observation and direction, this application is disposed of.

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2017
Transmission Date	NA

