

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.182 of 2001

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National Thermal Power Corporation through its General Manager,
N.T.P.C. Kahalgaon, P.S. Kahalgaon, District- Bhagalpur.

.... Appellant

Versus

1. Jagat Narain Pal S/O Late Mahadeo Mandal, resident of Village-
Kusapur, P.S. Kahalgaon, District- Bhagalpur.
2. The State of Bihar, through Collector, Bhagalpur.

.... Respondents

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Appearance :

For the Appellant : M/S Anil Kumar Sinha, Akash Keshav &
Yash Mathur, Advocates.

For the Respondent : Mr. Rajendra Prasad Yadav, Advocate.

For the State : Mr. ASIF KALIM, A.C. to A.A.G-12

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

19 21-02-2018

The appellant, being aggrieved with the judgment and award dated 20.11.2000 and 04.12.2001 passed by Sri Diwakar Singh, the then learned Land Acquisition Judge, Bhagalpur in Land Acquisition Reference Case No. 42 of 1992, has preferred this appeal challenging the judgment and award.

The collector has fixed the land value at the rate of Rs. 361/- per dismal. In Reference, the Reference Court fixed the land value at the rate of Rs. 1200/- per dismal. It is submitted that in the similar cases the land value has been fixed at the rate of Rs. 480/- per dismal along with all statutory benefits by the order of the Apex Court in Civil Appeal Nos. 8463-8466 of 2012 and also in Civil Appeal Nos. 6305-6306 of 2011 and as such the respondent shall be entitled to have his land value fixed at the rate of Rs. 480/- per dismal along with all statutory benefits. It is also



submitted by the learned counsel for the appellant that the respondent has filed application regarding compensation, agreed value of the land at the rate of Rs. 480/- per dismal, whereas the appellant has already deposited the amount of compensation at the rate of Rs. 600/- per dismal through Bank draft in the name of the respondent. The learned counsel for the appellant submits that the amount was deposited by way of 50% of the amount of award after filing of this appeal.

The learned counsel for the respondent submits that the amount which has already been deposited by the appellant at the rate of Rs.600/- per dismal should be fixed the value of land.

Under the circumstances, in this appeal the value of land is fixed at the rate of Rs. 600/- per dismal along with all statutory benefits.

It is submitted that the respondent had already received half of the amount of award under appeal which was deposited through Bank draft by the appellant.

In the result, this appeal is hereby partly allowed with no order as to costs.

(Jitendra Mohan Sharma, J)

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