

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5292 of 2015

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1. Saraswati Devi wife of Sri Ram Pravesh Singh resident of village - Dhundhua Tola Negavatpur, P.S.- Nabinagar and District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through principal secretary, Department of land reforms and revenue, Govt. of Bihar, Patna (Bihar)
2. The District Magistrate, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Chief Executive officer, Bhartiya Rail Bijlee Company Limited (A joint venture of N.T.P.C. and Indian Railway), Head office located at Dalmia Nagar Dehri-on-sone, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. AC to AG

For the BRBCL : Mr. Anil Kumar Sinha, advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

8 07-05-2018 Heard Shri Binod Kumar Singh, the learned counsel for the petitioner, and Mr. Anil Kumar Sinha, the learned counsel for the Bhartiya Rail Bijlee Company Limited (BRBCL).

The petitioner has filed this writ petition for a direction to respondent No.4, the Chief Executive Officer, BRBCL to pay uniform compensation to the petitioner on the principle of one project one rate compensation.

Admittedly, land of Khesra No. 494, 496, 505, 500, 512, 510, 509, 506, 515, 259, 270 of different Khata such as 12, 17, 19, 22, 38 and 56 said to be belonging to the petitioner have been acquired for the purpose of BRBCL, a joint venture company of N.T.P.C. and Indian Railway. The award was also prepared but the land owners made agitation that different rate of compensation have been paid to different persons and, therefore, the



compensation at uniform rate on the principle of one project one rate should be paid to the land owners. All the stake holders sat together and the matter was resolved. The BRBCL agreed to pay uniform compensation.

The petitioner and others filed CWJC No. 18253 of 2011 seeking relief for rescinding the agreement of uniform compensation and not binding on the petitioners of CWJC No. 18253 of 2011 but the aforesaid writ petition stands dismissed vide order dated 02.12.2013. The petitioners preferred Letters Patent Appeal but the same was also dismissed.

In the present writ petition it is admitted that one Tusiya Devi, wife of Fagu Choudhary, filed petition that compensation for acquisition of plot No. 494 of Khata No.22 should be paid to her as she is owner of the aforesaid land. On such petition having been filed by Tusiya Devi before the Land Acquisition Officer, the Land Acquisition Officer has issued notice to the petitioner, Saraswati Devi, to appear and file documents showing the land belongs to her as she has already received part compensation. On such facts, the intervention petition of Tusiya Devi has already been dismissed with observation that she may appear before the Land Acquisition Officer for redressal of her grievance.

The learned counsel for the petitioner submits that today he has received instruction that petitioner has already received cheque of compensation on the basis of one project one rate with regard to all the land save and except plot No. 494 of Khata No.22 and plot No. 495 of Khata No. 38. Therefore, he is confining his prayer for compensation with regard to plot No. 495 only as with regard to compensation for plot No. 494 Khata No.



22 the objection is pending before the Land Acquisition Officer for resolution of the dispute as to who is entitled for compensation, Tusiya Devi or petitioner. It is further submitted that so far as plot No. 495, Khata No. 38 is concerned, the respondent has already paid compensation as per award at the rate of Rs. 2,61,371/-.

Mr. Anil Kumar Sinha, the learned counsel for the BRBCL, referring to page 13 of Annexure R/2 series to the counter affidavit filed on behalf of respondents No.4, submits that on 19.07.2014 BRBCL wrote the Land Acquisition Officer that land of plot No. 495, Khata No. 38, area 0.8125 acre belonging to the petitioner has not been acquired for the purpose of BRBCL. Accordingly, the Land Acquisition Officer has to get the land measured according to the alignment of requisition by the BRBCL. If the land was acquired beyond the requisition of BRBCL, the BRBCL is not liable to pay compensation to the land owner but till today the Land Acquisition Officer has not passed any order. It is submitted that in the month of January, 2018 and March, 2018 the officials of BRBCL has sent letters to the Land Acquisition Officer that the land of plot No. 495 area 0.8125 acre is beyond the requisition of BRBCL although some part of the plot is coming within the requisition line of the BRBCL.

Having considered the facts that admittedly plot No. 495, Khata No. 38, area 0.8125 acre was acquired by the Land Acquisition Officer for the purpose of BRBCL but when the authority of BRBCL came to know that only some part of plot No. 495 came in possession of BRBCL after acquisition but compensation of entire land at the rate of Rs. 2,61,371/- has already been paid to the petitioner, the rest amount of



compensation on the principle of one project one rate of compensation cannot be paid and the BRBCL is not liable to pay any further compensation to the petitioner.

In view of aforesaid dispute, I dispose of this writ petition with a direction to the Land Acquisition Officer to get the land of plot No. 495 Khata No. 38 belonged to the petitioner measured and find out how much land of aforesaid plot has been acquired for the purpose of BRBCL and thereafter calculate the compensation amount on the basis of one project one rate compensation and if the petitioner is entitled to get more compensation then the same shall be paid to her within four months from the date of receipt/ production of a copy of this order.

The Land Acquisition Officer shall also dispose of the objection of Tusiya Devi as well as the petitioner with regard to compensation of plot No. 494, Khata No. 22 within the aforesaid period of four months.

This writ petition is, accordingly, disposed of.

(Prabhat Kumar Jha, J)

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