

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17005 of 2016

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1. Nikhilesh Kumar, aged about 58 years, son of Bhuneshwar Sharma, resident of village & post - Deotha, Sub-Division - Gogri, Police Station - Pasraha, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Energy, Government of Bihar.
2. The Principal Secretary, Department of Energy, Government of Bihar, Patna.
3. The Managing Director, Bihar State Power Transmission Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Chief Engineer (Transmission), Bihar State Power Transmission Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. Electrical Executive Engineer, Transmission Division, Begusarai.
6. The District Collector, Khagaria.
7. Additional District Collector, Khagaria.
8. The Sub-Divisional Officer, Sub-Division Gogri, Khagaria.
9. Deputy Collector Land Reforms, Sub-Division - Gogri, Khagaria.
10. Anchal Adhikari, Sub-Division - Gogri, District - Khagaria.
11. Halka Karamchari, Sub-Division - Gogri, District - Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Respondent/s : Mr. Subhash Prasad Singh-Ga3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 06-08-2018

Heard both sides.

The petitioner has filed this writ petition for a direction to the respondents to return the land of the petitioner or pay suitable compensation for the land of the petitioner on which power grid sub station has been constructed.

Learned counsel for the petitioner submits that he purchased land of Khesra No.13, 16, 17, 18 and 19 of Plot No.86



and 56 situated in Mouza-Bhimri, Block- Gogri, District-Khagaria measuring area 27.5 bighas in the name of the petitioner and his three brothers namely Satya Narayan Mistri, Man Narayan Mistri and Bindeshwari Mistri through sale deeds executed on 18.06.1975. It is further submitted that the land of the petitioner has been acquired without any proceeding for acquisition or inviting the petitioner for entering into lease for 33 years. Therefore, the land of the petitioner be returned.

Learned counsel appearing on behalf of Bihar State Power Transmission Company Limited submits that no land of the petitioner has been acquired or taken into possession by the Transmission Company for construction of power sub station. Similarly, learned counsel for the State of Bihar, respondent no.6 to 11 also filed counter affidavit stating therein making specific statement in para-13 and 14 of the counter affidavit that no land of the petitioner has been acquired or has been taken over on lease. Not even possession of any portion of the land of the petitioner has been taken over.

Having considered the facts aforesaid, I find that the petitioner has not been able to show that on any portion of his land, power sub station has been constructed.

In this view of the fact, I do not find any merit in this



writ petition. Accordingly, the same is dismissed.

If the petitioner is aggrieved that possession of his purchased land is taken over by the State of Bihar for construction of power sub station, the petitioner may file petition before the Circle Officer to measure and demarcate his purchased land and take necessary action in accordance with law.

(Prabhat Kumar Jha, J)

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