

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18868 of 2016

1. Ramji Ram, Son of Late Guli Ram,
2. Kamdeo Ram Son of Late Vada Ram.
3. Sikandar Ram, son of Late Pravesh Ram.
4. Nagesh Ram, Son of Late Dhoda Ram.
5. Dinesh Ram Son of Late Dhoda Ram.
6. Ganesh Ram Son of Late Keshwer Ram, all resident of Village- Surar, P.O.- Pirauta, P.S. - N.T.P.C. Khaira, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director, Department of Land Reforms Govt. of Bihar, Patna.
3. The District Collector, Aurangabad.
4. The District Land Acquisition Officer, Aurangabad.
5. The Additional Collector, Aurangabad.
6. The Anchaladhikari, Nabinagar, Aurangabad.
7. The B.R.B.C.L. Bhartiya Rail Bijlee Company Limited Nabinagar, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.
For the Respondent/s : Mr. Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 23-05-2019

Heard the parties.

2. This writ petition has been filed by the petitioners under Article 226 of Constitution of India for payment of compensation amount alongwith interest as the lands of petitioners have already been acquired in the year 2009 for construction of Thermal Power Project, Nabinagar.



3. It has been claimed on behalf of petitioners that they are land owners and have actual physical possession over the land and possessed all documents of title which were acquired by the State Government for Thermal Power Project. Jamabandi was opened in the name of ancestors of petitioners for which rent was paid till 2009-10 and rent receipts were granted.

4. Petitioners had earlier filed a writ petition being C.W.J.C. No. 6074 of 2010 for similar relief which was disposed of by order dated 08.04.2010 as contained in Annexure-2 of writ petition. The Circle Officer in a proceeding initiated after order passed by this Court declared petitioners as Raiyat of the lands and directed to issue ownership verification certificate and accordingly title verification certificate was issued to petitioners on 07.01.2013 as contained in Annexure- 3 series and thereafter petitioners were directed by the Circle Officer to submit their original documents in the office of B.R.B.C.L. by 29.12.2015 as contained in Annexure-4. Objections raised by one Dwarika Ram and others and Ramadhar Paswan and others were found to be baseless after due enquiry conducted by the Circle Officer as contained in Annexure-5 and thereafter District Land Acquisition Officer,



Aurangabad wrote to the Chief Executive Officer, B.R.B.C.L. vide letter dated 23.06.2016 for payment of compensation to the petitioners.

5. Counter affidavit has been filed on behalf of respondent Nos. 3 to 5 in which it has been submitted that land in question has been acquired by the State Government for construction of Thermal Power Project, Nabinagar.

6. It has been further submitted in the counter affidavit that Anchaladhikari, Nabinagar in its letter dated 22.09.2018 has stated that land in question is recorded in C.S. Khatyan as Gair Mazarua Malik Land and the nature of land is recorded as Jungal Jhar. The Circle Officer has further reported that the ownership verification certificate has been issued by the Anchal Office with respect to aforesaid land in favour of petitioners and revenue rent receipts is also issued since the year 1955-56 till date but abovenoted Raiyats (petitioners) are not in physical possession over the land.

7. It was further reported that a civil suit was brought by one Dhanpati Devi against the State of Bihar and others being Title Suit No. 217/96 and 38/99 with respect to aforesaid land which was decided in favour of plaintiff Dhanpati Devi and others. The Circle Officer, Nabinagar has also recommended for



cancellation of ownership verification certificate Case No. 29/2013-14 and case No. 67/2011-12 and Case No. 68/2011-12 as well as cancellation of Jamabandi created in favour of Ganesh Ram and others and Kamaldeo Ram and others.

8. After hearing the rival contentions of the parties, it is apparent that the title, possession and ownership of land in dispute is yet to be finally decided, as such, no positive order for grant of compensation can be passed at this stage. The District Land Acquisition Officer is directed to consider the rival claims of the parties with respect to entitlement for compensation of the acquired land and decide the claim after hearing all the parties concerned within six months from date of receipt/production of a copy of the order passed by this Court.

9. The writ petition is accordingly disposed of.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.05.2019
Transmission Date	N.A.

