

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23744 of 2019

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Mundrika Paswan, Male, aged about 75 years, son of Faujdar Paswan, resident of Village Mangabar, P.O. Pirauta, P.S. Nabinagar and District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna (Bihar).
2. The District Magistrate-cum-Collector, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Chief Executive Officer, Bhartiye Rail Bijlee Company Limited (A Joint venture of NTPC and Indian Railway) Its Head Office located at the campus of BRBCL, Khaira, P.S. N.T.P.C., Khaira, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anirudh Kumar Verma, Advocate
For the State	:	Mr. Sanghamitra Ghosh, A.C. to G.P.15
For BRBCL	:	Mr. Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-12-2019 Heard both sides.

The petitioner filed this writ petition against the notice as contained in Memo No.285/Land Acquisition, dated 15.06.2019, issued under the signature of the Land Acquisition Authority, Aurangabad (Annexure-2) by which the Land Acquisition Authority directed the petitioner to return the excess amount of compensation received by him as he was found in possession of only 1.68 Acre of land out of 4.7725 Acre of land of Plot No.59 and 66 of Khata No.15.

Learned counsel for the petitioner submits that the petitioner received compensation amount after due process in Land Acquisition Case No.7 of 2008-09. The Land Acquisition Authority



never raised any objection at any stage of the proceeding but after more than ten years, the petitioner has been noticed.

From perusal of the notice, I find that only notice is issued to the petitioner that he has received excess amount of compensation in lieu of the lands of Plot Nos.59 and 66 of Khata No.15, area 4.7725 Acre whereas during the course of inquiry, it transpired that the petitioner in fact is in possession of only 1.68 Acre of land.

Considering the facts aforesaid, I dispose of this writ petition with a direction to the petitioner to file reply to the notice before the Land Acquisition Authority and the Land Acquisition Authority shall verify the facts with regard to possession of land and entitlement of the petitioner with regard to compensation and pass a reasoned order before directing the petitioner to deposit the amount of compensation, if the petitioner at all received any excess amount than what he is entitled.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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