

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23881 of 2019

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Saheb Yadav, son of Shivraj Yadav, resident of village- Sasna, P.S. Nabingar
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 Circle Officer, Circle- Nabinagar, Aurangabad.
5. The Chief Executive Officer, Nabinagar Power Generating Company Limited (A Joint Venture of NTPC and Bihar State Electricity Board presently known as Bihar State Power Holding Company Limited), its Head Office located at the Campus of NPGC, Ankorha, P.S. Barem O.P. District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
For the State	:	Mr. Ramesh Kr. Shrivastava, AC to GP-15
For the Respondent No.5:	:	Mr. Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-12-2019

Heard learned counsel for the petitioner; learned AC
to GP-15 for the State and learned counsel for the respondent
no. 5.

2. The petitioner has moved the Court for the
following relief:

*“That the present writ petition is being filed
in the nature of writ of Mandamas
commanding and directing upon the
Respondents to pay compensation for the
land acquired for installation of Thermal
Power Project known as Nabinagar Power
Generating Company Limited by following*



due procedure under the Land Acquisition Act, 2013 (RTFCLAAR, 2013) with other statutory benefits provided under the Act together with interest till the date of realization.”

3. The petitioner is aggrieved by the non-payment of compensation for his land appertaining to Khata No. 75, Plot No. 68, measuring 15½ decimals situated at Muza Rahra under Tauzi no.2892 and Revenue Thana no. 09 in the district of Aurangabad.

4. Learned counsel for the petitioner submitted that the land in question, was purchased by the petitioner in the year 2008. It was further submitted that the land was mutated in the name of the petitioner finally in the year 2016 by order dated 26.05.2016 of the Circle Officer, Nabinagar. It was submitted that for the said land, compensation has been given to some other person, which is totally illegal. It was further submitted that the petitioner has been representing before the authorities concerned, but no steps have been taken by the concerned respondents.

5. Learned counsel for the State submitted that when the proceedings for acquisition started, sometime in the year 2010-11, admittedly, the land was not mutated in the name of the petitioner and, thus, the authorities cannot be faulted for



issuing the notification in the name of the recorded tenant as per the revenue records. Learned counsel submitted that thereafter the process actually would have ended within a few years and when the petitioner himself has disclosed that the order for mutation in his name was passed by the competent authority only on 26.05.2016, there is no error or fault on the part of the authorities in paying the compensation to the person in favour of whom the award has been published.

6. Learned counsel for the petitioner submitted that under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as the 'Act') there is provision under Sections 76 and 77 of the Act to deal with such situation.

7. Having considered the matter, the Court finds that in the facts of the present case, if the contention of the petitioner is correct that he had bought the land lawfully in the year 2008 itself, then any compensation for his land has to be given to him. However, in the present proceeding, the Court is not inclined to go into such exercise. Thus, in view of the provisions under the Act, the writ petition stands disposed off with liberty to the petitioner to move under Sections 76 and 77 of the Act by filing a detailed representation. If the same is done within one month



from today, the Collector, Aurangabad, shall refer the matter to the Land Acquisition, Rehabilitation and Resettlement Authority (hereinafter referred to as the 'Authority') established under Section 51 of the Act. Upon doing so, the Authority shall look into the matter and dispose of the same within four months from the matter being referred to it by the Collector, Aurangabad.

8. For the ends of justice, the Court would also direct that if, till date, the amount has not been transferred to any other person with regard to the land in question, the Collector, Aurangabad, shall keep the money with him till the Authority decides to whom it is payable.

(Ahsanuddin Amanullah, J)

J. Alam/-

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