

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5708 of 2016

1. Raja Ram Mehta
2. Bharat Mehta
3. Arjun Mehta
4. Awadhesh Kumar Mehta Sons of Late Kishun Mehta All of village Jhikatia P.S. Navi Nagar N.T.P.C. Khaira, District - Aurangabad.

... .. Petitioner/s

Versus

1. The Chairman National Thermal Power Corporation and Ors
2. The Chief Executive Officer, N.T.P.C. Dalmia Nagar District - Rohtas.
3. The District Magistrate, Aurangabad.
4. The District Land Acquisition Officer.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar , Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh AAG – 13
For the NTPC	:	Mr. Amaresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023

Heard learned counsel for the parties.

2. This writ petition has been filed for direction to the respondents to bifurcate the award prepared in joint names of the petitioners with respect to the lands acquired for B.R.B.C.L. project order Land Acquisition case no. 44/2012-13 situated in village Jhikatia P.S. Nabinagar District- Aurangabad. The joint award has been prepared amounting to the tune of Rs.6,60,862 without notice to the petitioners as well as without giving chance of hearing and filing objection under the land acquisition Act. Further for directing the respondent authorities to measure



the land in presence of the petitioners and to prepare award a fresh as per land Acquisition Act 2013 .

3. At the outset, learned counsel for the State raises preliminary objection and submits that grievance of the petitioner regarding boundary dispute falls under Section 30 of the Land Acquisition Act 1894 which reads as:

30. Dispute as to apportionment –

When the amount of compensation has been settled under Section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the collector may refer such dispute to the decision of the Court.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Grievance of the petitioner falls under Section 30 of the Land Acquisition Act 1894. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance



with law.

7. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court.

8 . This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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