

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3223 of 2020

- 1.1. Janki Singh, Wife of Late Manager Singh Resident of Mohalla- Sareya Ward No. 5 Near Kailash Hotel, P.O. and P.S. and District- Gopalganj.
- 1.2. Anil Kumar, S/o Late Manager Singh Resident of Mohalla- Sareya Ward No. 5 Near Kailash Hotel, P.O. and P.S. and District- Gopalganj.
- 1.3. Sunil Kumar Singh, Son of Late Manager Singh Resident of Mohalla- Sareya Ward No. 5 Near Kailash Hotel, P.O. and P.S. and District- Gopalganj.

... .. Petitioner/s

Versus

1. The General Manager, North Bihar Powers Distribution Company Limited Bihar, Patna.
2. The Zonal Manager, North Bihar Powers Distribution Company Limited, Northern Zone, Muzaffarpur.
3. The Executive Officer (Establishment), North Bihar Powers Distribution Company Limited, Power Supply Sub-Division, Gopalganj.
4. The District Magistrate-cum-Collector, Gopalganj.
5. The Additional Collector (Revenue), Gopalganj.
6. The Deputy Collector Land Reforms, Gopalganj.
7. The Circle Officer, Anchal Office, Gopalganj.
8. The Anchal Amin, Anchal Office, Gopalganj.
9. The Rajaswa Karmchari, Anchal Office, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s	:	Mr. Subash Chandra Yadav, GP-15
For the Power Company:		Mr. Anand Kr. Ojha, Advocate
		Mr. Abhishek Raj, Advocate
		Mr. Ashok kr. Karna, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 10 24-04-2023 1. Heard learned counsel for the petitioners, learned counsel for the respondent-State of Bihar and learned counsel for the North Bihar Power Distribution Company Limited.
2. The petitioners have filed the instant application for



the following relief(s):-

“(i) For direction/order to the respondents to pay the amount of compensation to the petitioner for acquisition of Land with consent of petitioner for construction of power sub- Station by the authorities of Acquisition of the North Bihar Power Distribution company Limited, Under Jurisdiction of supply Sub-Division, Gopalganj pertaining to the land of petitioner bearing Mauza Tirbirwe Thane no. 40, khata no. 20, Plot no. 111 with area 14 Katha 16 Dhur and acquisition for Road bearing Khata no. 20, Plot no. 1149.92 and 93 part in which about 16 decimal land has been acquired.

(ii) For the interest in accordance with law on the delayed payment of amount as the consequential relief of relief no. 1.

(iii) For the other relief/reliefs as your Lord- ships may be deem fit and proper.”

3. The case of the petitioners in brief is that inspite of the land of the petitioners which is the subject matter of the instant writ application having been acquired by the respondent authorities for a project of North Bihar Power Distribution Company Limited, compensation for the land acquired has not been paid to the petitioners.

4. It is submitted by learned counsel appearing for the State-respondents that the land in question belong to the Hathua Raj and after vesting of the zamindari, the land came to be



vested in the State of Bihar. The petitioners fraudulently created some documents in his favour and got Jamabandi opened in his name. As such it is submitted that the petitioners are not entitled for any compensation.

5. In response, it is submitted by learned counsel for the petitioners that a reply has been filed on behalf of the petitioners to the counter affidavit of the State-respondents wherein the petitioners have brought on record the judgment dated 30.4.1997 passed in Title Suit no. 79 of 1993 by the learned 4th Sub-Ordinate Judge, Gopalganj decreeing the suit filed by the petitioners for declaration of title and confirmation of possession in favour of the plaintiff-petitioner. Learned counsel for the petitioners submits that in view of the judgment and decree in his favour, the respondents should be directed to pay compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to him within a period fixed by this Court.

6. In response, it is submitted by learned counsel for the State that a supplementary counter affidavit on behalf of the respondent nos. 4 to 7 has been filed electronically wherein it has been stated that the respondent- State of Bihar has filed Title



Appeal no.2 of 2023 in the Court of learned District Judge, Gopalganj against the above judgment and decree and the said appeal is pending for adjudication.

7. At this stage it is submitted by learned counsel appearing on behalf of the North Bihar Power Distribution Company Limited that a counter affidavit has been filed on behalf of the said respondents electronically stating therein that the land in question, after due verification was transferred by the District Collector free of cost in favour of the Power Distribution Company for public project namely, construction of the power sub-station. The work of the power sub-station has been completed and the same has been commissioned in February, 2022.

8. It is lastly submitted by learned counsel appearing for the North Bihar Power Company Limited that the construction of the power station having been completed and the same having been commissioned, the Court may take into account that the functioning of the power station/completed project may not hampered because of the facts as narrated herein above. The Court may observe that in case of the respondent-State authorities not proceeding with nor taking steps for acquisition of the land in accordance with the Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioners would obviously be entitled for getting back their land which has been taken by the authorities concerned without acquisition and without payment of compensation. However, in view of the public interest involved, this Court deems it fit that the respondent authorities specially the District Land Acquisition Officer take steps for acquisition of the land and payment of compensation to the petitioners.

9. Having heard learned counsel for the parties and having perused the material on record, the fact not in dispute is that the petitioners have in their favour a judgment and decree dated 30.4.1997 passed in Title Suit no.79 of 1993 so far as the land in question is concerned. With respect to the appeal preferred by the State, the same having been filed after a delay of almost 30 years and several years after filing of the instant writ application, even the prayer for condonation of delay/limitation petition not having been allowed, as on date even the said appeal is not competent. Thus the Court holds that the petitioners would be entitled for compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



10. As such the writ application is disposed of with the direction to the respondent-State authorities to proceed with the acquisition of the land in question in accordance with law under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The process of acquisition shall be completed within a period of six months from today and compensation paid to the petitioners at the earliest and immediately thereafter.

11. The writ application stands disposed of with the above observation and directions.

(Partha Sarthy, J)

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