

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5797 of 2020

Chandra Madhaw Upadhyay, S/o Late Ramsakal Upadhyay, Resident of Village-Babhangawan, P.O.-Gundi, P.S.-Krishna Garh Barhara, District-Bhojpur.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Co. Ltd. through its Chairman-Cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna-800001.
2. The Chairman-Cum-Managing Director, Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna-800001.
3. The Managing Director, South Bihar Power Distribution Company Ltd., Patna.
4. The Deputy General Manager, Bihar State Power Holding Co. Ltd. Vidyut Bhawan, Bailey Road, Patna- 800001
5. The Superintending Engineer, Electric Circle, Ara.
6. The Electrical Executive Engineer, Rural Electrification Division, Ara.
7. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
8. The District Sub Registrar, Bhojpur at Ara.
9. The Collector, Bhojpur at Ara.
10. The Additional Collector, Bhojpur at Ara.
11. The District Land Acquisition Officer, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Mishra, Advocate Mr. Dineshwar Mishra, Advocate
For the State	:	Mr. Md. Khursid Alam, AAG-12 Mrs. Nutan Sahay, A.C. to AAG-12
For the Respondents	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kr. Verma, Advocate Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

11 04-04-2023 Heard learned counsel for the petitioner and learned Senior counsel for the South Bihar State Power Distribution Company Ltd..

The petitioner has filed the instant application for the following relief(s):



“(i) For direction upon the respondent authorities to grant and pay compensation money as per new act on the market value of the land prevailing as of date taking into account that the acquired land of the petitioner and other land owners comes under the category of Industrial/Commercial hence the petitioner and other land owners are to be paid compensation amount in accordance with the prescribed government rate for the Commercial/Industrial land but the respondents have calculated and have made available fund of the compensation amount on the basis of irrigated agricultural land. Government prevailing market value/rate of the Commercial/Industrial land of the petitioner and other land owners is Rs.36,000/- per dismil whereas calculation has been made and fund for compensation amount has been made available by the respondents on the basis of irrigated agricultural land @ Rs.5500/- per dismil which is much less than the prescribed and market value and entitlement of the petitioner though payment of compensation money has not been made to the land owners hence petitioner and other land owners are legally entitled for compensation money on the basis of Industrial/commercial land @ of Rs.36,000/- per dismil.

(ii) For direction upon the respondents to pay statutory interest on the compensation amount and cost of litigation.

(iii) For further direction upon the respondents authorities to grant any such other



relief or reliefs for which the petitioner is found legally entitled.”

Learned Senior counsel appearing for the South Bihar State Power Distribution Company Ltd. submits that for the subject matter as prayed for in the instant application, the petitioner had even on an earlier occasion preferred CWJC no.954 of 2010 which was disposed of by order dated 6.2.2014 (Annexure-15) directing the District Collector, Bhojpur to get the lawful compensation calculated and ensure payment thereof to the petitioner within three months. Learned Senior counsel submits that subsequently, the petitioner filed a contempt application alleging non-compliance of the directions contained in the said order. However, the contempt application was disposed of vide order dated 25.1.2018 (Annexure-20) passed in MJC no. 278 of 2015. As such, it is submitted that in case the petitioner is aggrieved by the amount of compensation determined by the District Collector, Bhojpur in compliance of this Court's order as stated herein above, the option for the petitioner was to move under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It is finally submitted by learned Senior counsel that



the respondents have already deposited a sum of Rs.58.43 lacs (approx.) for payment of compensation to the persons concerned, as far back as in the year 2015 itself.

After some argument, learned counsel for the petitioner seeks permission to withdraw this application to move before the appropriate authority in accordance with law.

This application is disposed of as withdrawn with the aforesaid liberty.

It goes without saying that in case an application for condonation of delay in moving before the authority is filed by the petitioner, the same shall be considered taking into consideration the period for which the petitioner was pursuing the instant application in this Court.

(Partha Sarthy, J)

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