

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5223 of 2016

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SUBHASH THAKUR SON OF LATE DEVENDRA THAKUR RESIDENT
OF VILLAGE - GOWASHA SHEKHPURA, POST GOWASHA
SHEKHPURA, P.S. PANDARAK, BARH, DISTRICT - PATNA, BIHAR

... .. PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. THE UNION OF INDIA THROUGH THE SECRETARY ENERGY, NEW DELHI
3. THE SECRETARY, REVENUE AND LAND REFORMS DEPARTMENT, BIHAR, PATNA
4. THE COLLECTOR, PATNA DISTRICT PATNA
5. THE DISTRICT LAND ACQUISITION OFFICER, PATNA
6. THE CHIEF GENERAL MANAGER, EAST ZONE, N.T.P.C., PATNA, BIHAR
7. THE GENERAL MANAGER, N.T.P.C., BARH, PATNA

... .. RESPONDENT/S

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Appearance :

For the Petitioner/s	:	Meenu, Advocate Avinash Kumar , Advocate Rajiv Ranjan, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
For the NTPC	:	Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023 This writ application has been filed for direction to respondent authorities regarding 100 percent payment of the award amount in respect of 12.5 decimal acres in Khesra No. 2531 Khata No. 391 Thana No. 12 Mauza-Sheikhpura, which was acquired for N. T. P. C. Barh.



2. It is contention of the petitioner that the land in question was purchased by the grandfather of the petitioner through registered sale deed No. 9571 dated November 20, 1952, and they came into peaceful possession of the purchased land. Later on, Subash Thakur got 12.05 decimals of land in Khesra No. 2531, Khata 391 Mauza-Sheikhpura Part-I through Khangi partition from his shareholder of his family member, and thus he came into peaceful possession over the same. After partition, the name of the petitioner has already been mutated in the state serista, and the petitioner is paying malguzari to the State of Bihar and is getting a rent receipt. Land of the petitioner has been acquired by respondents in a Gazette for notification u/s 4 of the Land Acquisition Act 1894, notification No. 1346/D.L.A. Patna (N. T. P. C.) Ra dated May 3, 2006, and thereafter, land of the petitioner has been acquired by the respondents in a Gazette for notification u/s 6 of the L.A. Act 1894, issued on June 3, 2006. The possession of the land of the petitioner was taken on January 15, 2007, and till date, no compensation amount has been paid to the petitioner. It is next submitted that the petitioner filed a representation before the respondents on July 12, 2014, with a prayer to remove the discrepancy in preparing the award in respect of acquired land,



as well as the rate mentioned, and also prayed to pay the award amount according to the new provision and scheme, but the respondents have neither removed the discrepancy in preparing the award according to the new scheme and provision (2007 and 2011). Aggrieved thereby, the instant writ application has been filed.

3 . A counter affidavit is filed on behalf of respondent Nos. 4 and 5, and it is submitted that after the acquisition of the land of the petitioner, 80% of the compensation amount has been paid to the land owner, namely Ashok Kumar Singh on March 4, 2007, Brij Bhusan Pandey on August 7, 2007, and Ramashray Prasad Singh on January 10, 2008. Thereafter, the remaining 20% amount was received by Ashok Kumar Singh on July 24, 2009, and Brajbhusan Pandey on September 2, 2009. The remaining 20% compensation amount to Ramashra Prasad Singh could not be paid. He further submits that only 1.31 acres of land have been acquired. It is further submitted that the claim of the petitioner that 1.81 acres have been acquired by the N.T.P.C. is false and incorrect. As a matter of fact, there are only 1.31 acres of land, and the claim of the petitioner for payment of the compensation amount is not acceptable. He lastly submits that the petitioner has an alternative remedy to move before the



appropriate authority under Section 30 of the Land Acquisition Act, 1894.

4. 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.

5 . In the above aforesaid facts and circumstances of the case , learned counsel for the petitioner seeks permission to withdraw this writ application with liberty to move before the appropriate authority under Section 30 of Land Acquisition Act 1894.

6. In the facts and circumstances of the case , writ petition is disposed of with a direction to the petitioner to file a representation before the competent authority along with all the relevant documents in support of the claim, within a period of six weeks from the date of receipt of this order.



7. In the event, such representation is filed before the competent authority the same shall be disposed of in accordance with law after hearing all the parties preferably within a further period of six months from the date of receipt/filing of the representation .

(Prabhat Kumar Singh, J)

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