

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7008 of 2022**

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Nagendra Nath Tiwary Son of Late Bishwanath Tiwary Resident of Village-  
Chiknauta, Police Station-Sufauli, District East Champaran at Motihari.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd. G.9, Ali Yavar Jang Marg, Bandra East, Mumbai-400005
2. Indian Oil Corporation Limited through its General Manager, G.9, Ali Yavar Jang Marg, Bandra East, Mumbai-400005
3. The State of Bihar through the District Magistrate, East Champaran at Motihari.
4. The District Land Acquisition Officer, East Champaran, at Motihari
5. The Deputy Collector Land Reform, East Champaran, at Motihari
6. Circle Officer, Sugauli, District East Champaran, at Motihari

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar , Advocate  
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      18-12-2023                      Heard learned counsel for the parties.

2. This writ petition has been filed for the following  
reliefs:-

A . Petitioner be paid necessary compensation with  
compound interest for 1.20 acres of land of village Chapra  
Bahas, P . S Sugauli, District – East Champaran .

B. Petitioner be paid necessary compensation by  
respondent authorities for not determining and granting the  
adequate compensation for the land so acquired in year 2013-14  
itself initiated by record No-9/2014 under section 23/30 of



RFCTLARR Act.

C . Petitioner be paid additional, proper and adequate damages for non payment of the compensation of his land till the date .

D. petitioner be paid the cost of legal proceeding throughout.

3 . At the outset, by filing counter affidavit on behalf of the respondents, it is submitted on behalf of the State that the land of the petitioner was acquired for the construction and establishment of Mauza Chpara Bahas in Sugauli Anchal within the District of East Champaran. He next states that initially, after the requisition of the land for the construction of the oil depot of Indian Oil Corporation, on the basis of the available land records available with the respondent state, a preliminary notification under the land acquisition act was published, and these two plots were also notified, and for plot No. 6713, the area was 34 decimals. Interested Raiyat was shown as one Trishul Infra Project Limited, and for plot No. 6014, area 75 decimal, Angad Kumar Singh was shown as interested Raiyat, and for plot No. 5950, the petitioner was shown as interested Raiyat. Despite the knowledge gained through preliminary notification details of the land, which are rightly shown, against



these two plots, i.e., 6014 and 6713, the names of other persons as shown interested as persons, the petitioner did not make an objection to the concerned authority before final notification and did not claim that in the column of the interested raiyat his name should be incorporated. On the basis of documents (land possession certificate and registered sale deed of plots 6713 and 6014) produced by the interested person, a final notification was published that the land possession certificate no. 61, dated July 16, 2011, in the name of Trishul Infra Project Pvt. Ltd., and the land possession certificate no. 1157, dated November 25, 2014, in the name of Angad Singh, were issued and verified by Circle Officer Sugauli. On the basis of the LPC issued and verified by Circle Sugauli for the payment of officers, compensation amounts were made to interested parties, Trishul Infra Project Pvt. Limited and Angad Singh. Since no objection was given by any person, including the petitioner, with regard to these two plots, accordingly, a final notification was made and published. Thereafter, accordingly, L. A case No. 9/2014 was initiated for the acquisition of the land in question. Accordingly, after fulfilling all the necessary legal formalities, an award was prepared, and accordingly, for Khata No. 768, Plot No. 6713, area 34 decimal, an award was prepared in the name of Trishul



Infra Project Pvt. Ltd. (Award No. 5), and for Khata No. 648, Plot No. 6014, area 75 decimal, an award was prepared in the name of Angad Singh (Award No. 10). Khata No. 648, Plot No. 5950, area 55 decimal (Award No. 19), was prepared in the name of the petitioner. Accordingly, awardees for these two plots for which the petitioner is claiming compensation, namely Trishul Infra Project Pvt. Limited and Angad Singh, were paid the amount upon the production of the required document, i.e., the title deed, LPC, etc. And further, for plot No. 5950, the petitioner has taken compensation. since the inception of the acquisition Proceeding for these two plots (6713 and 6014), the petitioner was not shown as interested in raiyat neither in the preliminary notification nor in the final notification, and despite knowledge of these facts, he never raised any objection at any point in time but rather claimed the compensation belatedly before the concerned authority . Since the compensation amount for plots No. 6713 and 6014 has already been received by the interested parties, the present petitioner is claiming it on the basis of the sale deed. Even at the time of the payment to the Trishul Infra Project and Angad Kumal Singh, The petitioner never made an application to the collector either to refer the matter to the LARRA or to make the aforesaid compensation to



him. That authorities have already made payment to genuine and bona fide raiyat after due verification, production of relevant required documents, and getting them into physical possession of the land in question; as such, nothing remains due from the petitioner against the authorities compensation.

5 . Considering the rival submissions of the parties and materials available on record and taking into consideration the fact that the petitioner has already received the compensation amount for the land that was acquired, i.e., Plot No. 5950, and nothing remains with the authorities in lieu of compensation for Plots No. 6713 and 6014, accordingly, this writ petition is dismissed.

**(Prabhat Kumar Singh, J)**

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