

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9682 of 2014

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Senapati Mahto S/o Late Ramswaroop Mahto Resident of Village Shakhpura,
P.O- Gowasha, Shekhpura, P.S- Pandarak, Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. 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	:	Mr. Avinash Kumar, Adv. Mr. Satish Verma, Adv.
For the Respondent/s	:	Mr. Anirban Kundu, (Sc-24) Mr. Sudhanshu Shekhar, Ac to Sc-24
For the N.T.P.C.	:	Mr. Amaresh Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-06-2023 Heard learned counsel for the petitioner, learned
counsel for the N.T.P.C. and learned counsel for the State.

2. The present writ petition has been filed for the
following relief(s):

*(i) For enhancement of the Awards amount of
100% according to new Scheme/ Policy of
2007, L.A. Act, 1894 and New L.A. Act, 2014.*

*(a) For regarding enhancement of 100%
compensation of Award amount of acquired
land of Mr. Senapati Mahto S/o Late*

Ramswaroop Mahot in L.A. Case No. 9 of 2006-07 in respect of alleged acquired land having an area 3.43 Acre these acquired plot of land situated at Shekhpura Part-2 in Thana No.-12, Village- Shekhpura, Post- Gowasha Shekhpura P.S. Pandarak, Barh, District- Patna is bearing:-

Award No.	Khata No.	Kheshra No.	Area
05	118	1728	0.71 Acre
05	118	1732	0.68 Acre
05	118	1743	0.51 Acre
05	118	1769	1.26 Acre
05	118	1775	<u>0.27 Acre</u>
Total			3.43 Acre

(b) The petitioner had already received the 100% Award amount Rs.12,31,894.24 received much earlier of acquired land from N.T.P.C. of Mauza-Shekhpura Part-II, at the rate of Rs.3,59,152.84 per Acre only but according to provision 1, 1.1-(I), (II) and 2(1.1)-Kha- (I), (II), (III) and (1.2)- II (Ka) and (Kha) of Gayapank- 15/D.L.A. Scheme (Re-habilitation)

07/06- 747/Ra, dated 13.05.2008 of Bihar Land Acquisition Re-established and Rehabilitation Scheme-2007, the valuation must be fixed for all acquired land at different Mauza for same Project (N.T.P.C.) must be similar i.e. the highest value of any acquired land will be the value of all acquired land for the same project and hence, the petitioner is entitled for compensation amount of final Award with the same rate.

(ii) For a direction or directions to this respondents to treat this petitioner in Award No. 05 in L.A. Case No. 9 of 2006-07 according to New Amended Policy, 2007 L.A. Act-1894 and New Act 2014, the petitioner is entitled to get the payment of award amount of compensation at the rate and interest should be calculated at the rate of provided in the statue.

3. Learned counsel for the petitioner submits that the land of the petitioner was acquired and award was prepared. Counsel submits that petitioner has received payment vide

Annexure- 4 of the writ petition. He submits that his grievance is very limited that he is entitled for final award amount according to Bihar Land Acquisition Re-established and Rehabilitation Scheme-2007. Counsel submits in this regard that he has filed his representation vide Annexure-11 dated 26.11.2013.

4. Learned counsel for the petitioner submits that even after his representation, no decision has been taken by the authority.

5. Learned counsel for the State seeks time to file the counter affidavit. It is a case of 2014, even after lapse of about nine years, neither representation of the petitioner dated 26.11.2013, nor counter affidavit has been filed. Waiting for counter affidavit shall further delay this matter.

6. In this view of the matter, this Court is directed the petitioner to file a fresh representation before the Collector, Patna District, Patna, who shall pass appropriate order on the representation of the petitioner and if, petitioner found entitled to be covered under Scheme of 2007 as he demanded in the writ petition, appropriate order shall be passed within four weeks thereafter and payment in this regard is directed to be made within eight weeks thereafter, if found entitled.

7. With this observation, the present writ petition
stands disposed off.

(Dr. Anshuman, J.)

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