

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18892 of 2015

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Kumar Manoj son of Late Ras Bihari Singh, Resident of Village- Kunjbanna,
Post Office and Police Station- Pirpainty, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna
4. The Collector, Bhagalpur.
5. The Land Acquisition Officer, Bhagalpur.
6. The NTPC Ltd. through its Chairman-cum- Managing Director, NTPC Bhawan SCOPE Complex, Institutional Area, Lodhi Road, New Delhi
7. The Kahalgaon Super Thermal Power Project through its General Manager, NTPC Kahalgaon, District- Bhagalpur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18950 of 2015

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Bhawa Nand Singh Son of Late Janardan Singh, Resident of Village -
Kunjbanna, Post Office and Police Station - Pirpainty, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Collector, Bhagalpur.
5. The Land Acquisition Officer, Bhagalpur.
6. The NTPC Ltd. through its Chairman - cum - Managing Director, NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi
7. The Kahalgaon Super Thermal Power Project through its General, NTPC Kahalgaon, District - Bhagalpur

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18892 of 2015)

For the Petitioner/s	:	Mr. Syed Masleh-Uddin Ashraf
For the Respondent/s	:	Mr. SC32-R.K.Priyadarshi
For the NTPC	:	Mr. Amaresh Kumar Sinha



(In Civil Writ Jurisdiction Case No. 18950 of 2015)

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf
For the Respondent/s : Mr. S.K. Sharma- GA1
For the NTPC : Mr. Amaresh Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-12-2023 Heard learned counsel for the parties.

2. This writ application has been filed for issuance of a writ of mandamus directing the respondent authorities to pay the amount of compensation payable to the petitioners for acquiring their land for construction of 2 X 660 M.W. thermal power stations in terms the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and not in terms of the Land Acquisition Act, 1894.

3. It is the contention of the petitioners that 2.05 acres and 2.34 acres of lands of petitioners in both the cases respectively were acquired by the respondents in Case No. 25/10-11 corresponding to Mouza Hirankol, Part I compensation of which has already been paid to the petitioners under protest in the year 2013.

4. By filing counter affidavit learned counsel for the State submits that the entire land acquisition proceeding including preparation of award and payment of the compensation was completed prior to coming into force of the



new land acquisition act which has come in force on 01.01.2014. It is submitted by counsel for the State that petitioners are not entitled to get compensation in terms of the new land acquisition act as Section 24 of the The Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 act reads as follows:

“24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in



the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

5. Having heard the submissions made on behalf of the parties and perused the materials available on record, it is apparent that it is not in dispute that the entire land acquisition proceeding was completed, award was prepared and payment of compensation was made to the petitioners much prior to 01.01.2014. Learned counsel for the State is right in his submission that petitioners are not entitled to get compensation in terms of the new land acquisition act.

6. In that view of the matter, this Court is of the opinion that this writ petition is bereft of merit.

7. This writ petition is, accordingly, disposed of with liberty to the petitioners to seek remedy before the appropriate forum as may be available to them in accordance with law.

8. In the event, petitioners approach before the appropriate forum, the concerned authority shall dispose of the matter after hearing the parties in accordance with law.

9. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that petitioners were pursuing the issue before this Court under Article 226 of



the Constitution of India.

10. This writ petition is disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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