

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7192 of 2013

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Dudheswar Singh, S/O Late Vyas Singh R/O Village- Madhe, P.S.- Navinagar,
Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Aurangabad
3. The District Land Acquisition Officer, Aurangabad
4. The Circle Officer, Navinagar Block/Anchal District- Aurangabad
5. The Chief Executive Officer, Navinagar Power Generating Company
N.P.G.C., Camp Office-Barun At P.O. and P.S.- Barun Distt.- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Arun, Advocate
For the State	:	Mr. Mithilesh Kumar Upadhyay, AC to GP-3
For the NPGC	:	Ms. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 14-09-2023

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the NPGC.

2. The present writ petition has been filed for
quashing the letter dated 10.10.2012 (Annexure-8) issued by
respondent No.5, namely, the District Land Acquisition Officer
by which it was directed to pay the enhanced compensation
amount and further to direct respondent No.3 to pay back
Rs.4,93,333/- to the petitioner which has been realized from the
petitioner forcibly and under threat.



3. Learned counsel for the petitioner submits that the land of the petitioner was subject to acquisition and payment was made for the acquisition of 2 acres and 28 decimals of land appertaining to Khata No.75, Plot No. 705 situated in village Madhe, Mauza – Rahra, corresponding to new Khata No. 75, Plot No. 1344 and 1348 as per revisional survey held in 1972-73. The said land was acquired for the purpose of opening a power generating unit for Navinagar Power Generating Company.

4. Learned counsel for the petitioner submits that payment has been made for 2.28 acres following the award, but subsequently in the name of excess payment, Rs.4,93,333/- has been realized. He further submits that upon realization of the said amount, he has filed representation dated 19.10.2012 (Annexure-10) to the District Magistrate, Aurangabad in this matter but nothing happened.

5. Learned counsel for the State submits that a counter affidavit has been filed in which stand has been taken by the State that the said khata was recorded as *Gairmazarua Malik* (Bakast land). After initial measurement, 2.28 acres of land was found under Khata No. 75, but subsequently, upon objection of villagers and neighboring *raiyats* re-measurement



was made and it was found that only 1.48 acres of land instead of 2.28 acres was in the physical possession of the petitioner. Counsel for the State further submits that though the said amount was returned by the petitioner but, subsequently, he raised a claim towards realization of excess payment. He further submits that the alleged representation has never been filed before the District Magistrate, Aurangabad.

6. In the light of the submissions made by the parties, this writ petition is disposed of directing the petitioner to file fresh representation before the District Magistrate, Aurangabad along with a copy of this order within four weeks from today who upon verification of documents of the petitioner, relating to the said land and upon hearing all the parties concerned shall pass a reasoned and speaking order within 90 days, after considering the policy issued by the Land Reforms Department, Government of Bihar from time to time and after ascertaining the fact that whether the petitioner and his brothers have title over 2.28 acres of land or not? If it has been found that the petitioner has title over 2.28 acres of land then in that case the amount refunded by the petitioner shall be returned back to him, but in case, it has been found that the petitioner has no raiyati right over the land then in that case, the liberty is available to



the petitioner to take further recourse as available to him in law.

7. With the above observation and direction, the present petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	15/09/2023
Transmission Date	NA

