

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9001 of 2016

Yadunandan Prasad s/o late Dilchand Rai resident of village - Kanhaipur P.S.
- Mokama, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Union of India through the Secretry, Energy Department, New Delhi.
3. The Secretary, Directorate of Land Acquisition, Patna, Bihar.
4. The Collector, Patna District Patna.
5. The Chief General Manager, East Zone, N.T.P.C. Patna.
6. The General Manager, N.T.P.C. Barh.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhim Sen Prasad, Advocate Mr. Manohar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Abhinave Alok, AC to AAG-13
For the NTPC	:	Shri Amaresh Kumar Sinha, Advocate Shri Vaibhav Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 15-03-2024 Heard learned counsel for the petitioner and the State.

2. The present writ petition has been preferred for the following relief:

*“That this writ application is being filed
for issuance of appropriate writ/writs,
order/orders, direction/directions for
commanding the respondents authorities
regarding enhancement of Award of 20% of
acquired land having an area of 1.37937
Acre of land situated at Mauza Sarhan Part-*



1, Thana No. 13, P.S.- Mokama, District- Patna, Award no. 55 "A" passed in L.A. Case No. 20/2005-06, bearing land described as hereunder:-

<i>Khata No.</i>	<i>Plot No.</i>	<i>Area</i>
<i>107</i>	<i>1061</i>	<i>0.60937</i>
<i>94</i>	<i>1064</i>	<i>0.42</i>
<i>95</i>	<i>1066</i>	<i>0.35</i>
<i>Total =</i>		<i>1.37937 Acre"</i>

3. Learned counsel for the petitioner submits that the land of his family was taken by the NTPC and 80% of the compensation amount was released and 20% was pending which has to be cleared at the rate of the new policy which came into existence. He has taken this Court to different Annexures in support of the claim. However, it is not the case of the petitioner that any similar situate person whose land were taken alongwith that of the petitioner in their case, the 20% amount has been cleared on the enhanced rate.

4. This writ petition is of the year 2016 and eight years later, now a submission was made that if granted time, he can bring on record the names of similar situate beneficiary. The same is fit to be rejected, as it definitely is an afterthought.



5. The State has filed its counter-affidavit duly signed by the Additional Land Acquisition Officer, Patna on behalf of the respondent No. 4 and the reasons have been assigned in paragraph-10, which read as follows:

“10. That it is further submitted that the circular dated 20.11.07 clearly stated that a report regarding number of raiyat voluntarily giving their land was to be mentioned in the proposal to be sent to the Government for seeking Government order u/s- 7/17 (1) of the L.A Act. It clearly indicates that affidavit from the concerned land owner for voluntarily giving their land is mandatory. However it is clarified that in the present case the circular under reference is not applicable as the proposal u/s-7/17 (1) of the L.A Act was sent to the Government on 01.06.2006 and the Government order was issued on 16.09.2006 itself i.e. prior to coming in to existence of the aforesaid policy. Therefore, the petitioner is not entitled for payment of 60% solatium.”



6. This Court is satisfied with the averment made by the State Authorities.

7. At this stage, learned counsel for the petitioner submits that he be allowed to represent before the authorities so that the payments that are due is cleared as also on other points which he may take while filing representation.

8. Said liberty is always available to all the citizen, much less the petitioner.

9. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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