

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8851 of 2016

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Sheikh Maqbool Son of Late Sheikh Baddo, Resident of Village- Kunjbanna,
P.S.- Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-cum-Collector, Bhagalpur.
3. The District Land Acquisition Officer, Bhagalpur.
4. The Circle Officer Anchal Adhikari, Pirpainti, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh, Advocate
For the Respondent/s : Mrs. Archana Meenakshi , G.P.-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-03-2024 Heard Mr. Chandra Shekhar Singh, learned counsel
for the petitioner and Mrs. Archana Meenakshi, learned G.P.-6.

2. The writ petition has been preferred with the
following reliefs:

*(i) for issuance of writ in the nature of
mandamus commanding and directing
the respondents to pay compensation
award for the lands of his late father
already acquired by the government for
the purpose of Pirpainti Thermal
Power Project as already Panchat
no.150 has been made in favour of his*



late father Sheikh Baddo;

(ii) for issuance of writ in the nature of mandamus commanding and directing the respondents to make over the awarded amount passed in land Acquisition Case No. 26/2011-12 as well as fix the awarded amount in enhanced rate as per the present circle rate;

(iii) for the grant of any other relief/reliefs to which these petitioners are found to be entitled for.

3. It is the case of the petitioner that before the Award was prepared, his father Sheikh Baddo was already dead (25.11.2012) and thereafter, he is running from pillar to post but the compensation amount has still deluded him.

4. A counter affidavit on behalf of the respondent no.2, the District Magistrate cum Collector, Bhagalpur is on record.

5. The learned G.P.-6 has informed this Court that since the Award amount is 57,76,799.49 which is about Rs. 50 lakh for which succession certificate is essential, a request was



made by the District Land Acquisition Officer, Bhagalpur vide letter no. 15 dated 25.10.2016 itself to the present petitioner to provide succession certificate. It is her submission that the Award amount has still not been paid to anyone and the petitioner is duty bound to come forward with the succession certificate. She submits that in the year 2018, the Revenue Land Department, Bihar, Patna vide letter no. 110 dated 2.2.2018 has again made it clear that in case the amount is more than 50 lakh, succession certificate is required.

4. This Court has gone through para-3 of the said letter dated 2.2.2018 and in that background, the present submission of the Law Officer that the petitioner should appear before the concerned authority with succession certificate is justified.

5. Learned counsel for the petitioner submits that he shall be soon moving before the appropriate authority with the appropriate certificate. In case, he appears before the respondent, District Land Acquisition Officer, Bhagalpur along with the succession certificate taking into account that the matter is a decade old. He shall take immediate steps and after satisfying himself, shall release the amount at an earliest, preferably within a period of four months.



6. It is made clear that the payment has to be made taking into account the guidelines issued by the Revenue Land Reforms Department, Bhagalpur vide letter no. 1102 dated 2.2.2018.

7. The writ petition stands disposed.

(Rajiv Roy, J)

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