

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7782 of 2023

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Sayed Tasveer Mustafa son of Riyaz Mustafa, resident of Chandan Patti,
Police Station- Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department.
2. The Bihar State Power Distribution Company Limited Patna.
3. The Superintending Engineer, North Bihar Power Distribution Company Limited, Darbhanga.
4. The Collector, Darbhanga.
5. The Circle Officer, Hayaghat, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad
For the State	:	Mr. Indeshwari Pd. Nand, AC to GA 3
For Respondent No.2	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for issuance of direction to the respondent authorities to take a decision upon the representation submitted by the petitioner *vide* Annexure-08 Series in light of the order dated 29.07.2019 passed in CWJC No. 14296 of 2019 whereby prayer has been made for payment of compensation against acquisition of land in accordance with law for which the petitioner is found entitled.

3. From perusal of the record it appears that it is the third round of litigation by the petitioner. The petitioner had earlier filed CWJC No. 10457 of 2016 with a prayer to restrain



the agency to use the land of the petitioner for erecting Electric Transmission Tower but during pendency of the writ petition the respondents erected the 400 kV electric tower without determining the compensation. Since the earlier writ petition became infructuous after erecting the tower, co-ordinate Bench of this Court *vide* order dated 17.04.2019 permitted the petitioner to withdraw the said writ petition with liberty to seek his remedy in accordance with law. Thereafter, the petitioner again preferred CWJC No. 14296 of 2019 which was heard and disposed of *vide* order dated 29.07.2019 with liberty to the petitioner to make appropriate application before the competent authority for payment of compensation against acquisition of his land in accordance with law.

4. Controverting the contentions as raised by the petitioner, learned senior counsel appearing on behalf of the respondents submits that for the purpose of and to get compensation the petitioner has got alternative remedy available in law by filing appropriate application before the District Judge and as such, this writ petition is not maintainable.

5. After some argument, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to seek remedy before the appropriate forum.



6. In the aforesaid view of the matter, the writ petition is permitted to be withdrawn with liberty to the petitioner to seek remedy as may be available to him in accordance with law.

(Prabhat Kumar Singh, J)

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