

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19371 of 2018

Awadhesh Singh S/o Sri Rambilash Singh, R/o Village- Narari Khurd, P.O.-
Saduri Karma, P.S. Narari Kala Khurd, District- Aurangabad - 824112.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Director, Land Acquisition Department, Government of Bihar, Patna.
4. The Commissioner Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The District Magistrate-cum-Chairman, Village Development Advisory
Committee, Nabinagar Power Genera
7. The Additional Collector, Aurangabad.
8. The SDM, Aurangabad.
9. The Circle Officer, Nabinagar, Aurangabad.
10. The Circle Officer, Barun, Aurangabad.
11. The District Agriculture Officer, Aurangabad.
12. The Executive Engineer, Rural Engineering Organization, Aurangabad.
13. Nabinagar Power Generation Company Pvt. Ltd. NPGCL, Joint Venture of
NTPC Ltd. and Bihar State Pow
14. The Executive Officer Nabinagar Power Generation Company Pvt. Ltd.
NPGCL, having its Camp office a
15. The Secretary, Animal and Fisheries Department, Government of Bihar,
Patna.
16. The District Animal Husbandry officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacaknavi, Advocate Ms. Saatvika Sinh, Advocate
For the State/s	:	Mr. Vivekanand Singh, AC to GP18
For NPGC	:	Mrs. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-09-2025 Heard Mr. Binod Kumar Singh, learned counsel for

the petitioner, Mr. Vivekanand Singh, learned AC to GP18

and Mrs. Binita Singh representing the Nabinagar Power



Generation Company Private Limited.

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

for issuance of a writ of mandamus or writs in the nature thereof or any other appropriate writs/orders/directions for commanding the respondents to pay annuity to the petitioner at rate of Rs.39,000/- with an increment of Rs. 1000/- biennial for thirty years in respect of his land acquired for the project in question; with interest 60 18% p.a. from the date it became due to till the date of actual payment; due to illegal withholding of such arrears of annuity payable to the petitioner. The said rate was agreed in the meeting held on 24.08.2013 of Nabinagar Power Generating Company Pvt. Ltd (NPGCL), Village Development Advisory Committee (VDAC), officers of NPGCL and groups of interested farmers, which was presided by the District Magistrate-cum-Collector, Aurangabad. The writ petition is also for commanding the respondents to re-fix and increase the amount of annuity after taking into consideration the cost of husk of the crops such as paddy, wheat, pulses and oil seeds



which are grown in the field of the petitioner being very fertile agricultural lands which have been acquired for Nabinagar Power Generation Company Pvt. Ltd. (NPGCL).

3. The District Magistrate cum Collector, Aurangabad on 24.08.2013 held a meeting wherein the details/modalities with regard to the development of Nabinagar Power Generation (Company) was taken note of/decided. As per paragraph 1 of the said decision, the respondents were to pay annuity to the farmers/petitioner @ 39,000/- per acre with increment of Rs. 1,000/- every two years which shall be payable for 30 years. It was further recorded that the minimum land should be half acre and maximum five acres.

4. The claim in the writ petition is that the petitioner got nothing till the petition was filed.

5. A counter affidavit has come on behalf of the District Land Acquisition Officer, Aurangabad duly filed in the year 2019 but as usual the competent clerk of the office of GP18, Mr. DP Singh after recording 'not found', filed the counter affidavit without service of copy to Mr. Binod Kumar Singh. He (the clerk) is required to provide a copy to Mr.



Binod Kumar Singh and Mrs. Binita Singh by 04:15 PM today and receipts have to be filed by 11 o clock tomorrow in the office.

6. Failing which a cost of Rs. 2,000/- is to be deposited to Patna High Court Legal Services Committee.

7. The counter affidavit shows that they are duty bound to abide by the decision taken by the District Magistrate cum Collector, Aurangabad on 24.08.2013.

8. Mrs. Binita Singh, for the NPGC submits that there is no copy of proper representation before the Collector, Aurangabad to show that the petitioner actually has grievance.

9. It is a valid point which has been raised by her.

10. There is no clarity either if the payments have been made to the petitioner or not and/or whether it was raised before an appropriate forum or not.

11. In that background, with the consent of the parties, instead of keeping the writ petition pending, it would be appropriate that the petitioner approaches the respondent no. 5, the District Magistrate cum Collector, Aurangabad in next eight weeks who shall be noticing all the parties and after hearing, he/she shall be taking the matter to its logical conclusion at an earliest.



12. Needless to add if the Collector, Aurangabad comes to a decision that the petitioner is entitled to the amount and has not been paid, the same has to be cleared within a period of three months from the decision is taken.

13. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Raj Ranjan/-

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