

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13167 of 2015

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Ram Autar Prasad Son of Late Chingi Mahto, resident of of village- Jhikatia
P.S. Nabi Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. Chairman, National Thermal Power Corporation New Delhi
3. Chief Executive Officer, N.T.P.C. Dalmia Nagar, District Rohtas
4. Bhartiya Rail Bijali Company Ltd. through its Chairman, New Delhi.
5. The General Manager, East Control Railway, Hajipur.
6. The District Magistrate, Aurangabad.
7. District Land Acquisition Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the Respondent/s	:	Mr. S.D Sanjay Addl. Soc. Gen.
For the Railway	:	Mr. Anshay Bahadur Mathur, C.G.C
For B.R.B.C.L.	:	Mr. Amaresh Kumar Sinha, Adv.
		Mr. Vaibhav Narayan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-07-2025 Heard Mr. Arun Kumar, learned counsel for the

petitioner, Mr. Anshay Bahadur Mathur for the Railway and Mr.

Amaresh Kumar Singh representing the Bhartiya Rail Bijali

Company Ltd.

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

*(i) To issue a writ of Mandamous or
any other writ or writs, direction or directions
commanding upon the respondents not to
acquire the lands of the petitioner and other
raiyyatee who are merginal farmers as the
land of village Kajrain which is adjacent*



village of Jhikatiya is already acquired land of the respondents and award of those acquired lands have been given to the raiyat so the acquisition of the Petitioner lands as well as the lands of other raiyat of village Jhikatia is not of public purpose.

(ii) To direct the respondents if they at all want to acquire the land of the petitioner and other raiyat of the village Jhikatia. They should prepare award separately in the name of the land holders and giving new rate of award as per land Acquisition Act 2013 in which four times of market rate compensation has to be given. Here, in this case, a Joint award has been prepared in an arbitrary manner not in accordance with law New Land Acquisition Act.

(iii) To pass any such other order or orders as this Hon'ble Court thinks fit and proper under the facts and circumstances of this case.

3. A counter affidavit has come on behalf of the respondent- Bhartiya Rail Bijali Company Ltd., Aurangabad (a subsidiary of National Thermal Power Corporation) and in principle, it has recorded that the land has been taken and land acquisition case initiated. Hari Charan Prasad (family of the petitioner) is recorded in the Land Acquisition Case No. 44 of 2012-13 at serial no. 46.

4. Learned counsel for the petitioner submits that since



there was dispute between the families, the amount was deposited with the treasury and not dispersed. Now they have come to an agreement and in that background, they shall be approaching the Competent Officer, the District Land Acquisition Officer, Aurangabad to satisfy the concerned Officer about genuinity so that the amount is paid.

5. There is dispute between the parties/family members, the respondent had no option but to withhold the amount. The petitioner/other claimants are well advised to approach the said official, convince them so that the District Land Acquisition Officer, Aurangabad can come to a positive conclusion regarding the disbursement of amount pursuant to Land Acquisition Case No. 44 of 2012-13.

6. The writ petition is disposed of with aforesaid observation.

7. Pending I.A(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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