

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1868 of 2017

Mrityunjay Mohan Son of Late Dhruva Narayan Pandey, Resident of
Shitalpur Kothi, Post- Sitalpur, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary, Department of Revenue and land Reforms, Bihar, Patna.
3. Chairman-cum- Managing Director, Bihar State Power Distribution Company Ltd. Bihar, Patna.
4. District Magistrate, Saran at Chapra.
5. Electrical Superintending Engineer, Chapra Circle, Chapra, North Bihar Power Distribution Company Lt

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajan Ghoshrave, Adv.
For the Respondent/s : Mr. Navnit Kumar-Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2025 Heard Mr. Raja Kishore Roy, learned counsel for the

petitioner, Mr. Ritesh Kumar representing the respondent no. 3

and 5 and Mr. Navnit Kumar, learned AC to GP-18.

2. The present writ petition has been preferred for:

*issuance of a Writ of Mandamus
or any other appropriate writ, order, or a
direction to the Respondent Authorities to
pay the compensation amount to the
Petitioner in accordance with the directive of
the Hon'ble Governor of the Respondent-
State as contained in Memo No. 675 dated
20/05/2014, and as per the provisions of The
Right to Fair Compensation and*



Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for his Land bearing Khata No. 15, Khesra Nos. 310, 311, 312 & 313, Thana No. 335, Mauza- Akbarpur, and Khata No. 30, Khesra Nos. 164, 165, 166, 167, Thana No. 335, Mauza- Akbarpur Total Area- 3 Acre, 60.5 decimal, which has been acquired/ encroached for 33/ 11 Power Sub-Station by the Respondent Authorities.

Further, to pay the interest to the Petitioner on the delayed payment at the rate of lending rate of the Banks.

3. The petitioner owns some lands (3 acres, 60.5 decimal) at Mauza- Akbarpur in the district of Saran at Chapra and is aggrieved by the decision of the respondent authorities in acquiring the land for Power Grid without making compensation to him/family members.

4. It is to be noted that the power sub-station was installed in the year 2006 itself and the case of the petitioner is that no compensation was made.

5. Two counter affidavits have come, one by the State Government on behalf of the District Magistrate, Saran at Chapra and the other by the respondent nos. 3 and 5 who represent the North Bihar Power Distribution Company Limited. The contention in both the counter affidavits is/are that the



father of the petitioner/petitioner received compensation to the tune of Rs. 8,91,203 vide cheque dated 19.07.2005 and the claim is unfounded.

6. A reply to the counter affidavit on behalf of the State has been filed by the petitioner (he claims that the petitioner never received the counter affidavit of respondent no. 3 and 5). In the said reply, a chart has been brought on record in paragraph 6 to show that though payments have been made to certain plots, so far as plot no. 310-313 is/are concerned, no payments have been made.

7. This fact has been brought on record by the petitioner only by way of reply to the counter affidavit and in the earlier petition, the only prayer was that no payments/compensation has been made.

8. Learned counsel for the petitioner submits that he had specifically stated about the Khesra No. 310 to 313 and only because the respondents created confusion, he has to bring on record the chart to show that the payments have been made with regard to the other khesras.

9. There is a claim/counter claim/ the clear stand of the petitioner is that so far as Khesra No. 310-313 are concerned, payments have still eluded his family/him.



10. The cloud in the sky cannot move further unless the entire story is brought on record. Unfortunately, neither of the parties have come forward and clarified whether:

(i) Khata No. 15, Khesra No. 311 to 313 belongs to the petitioner or not;

(ii) whether the aforesaid land has been acquired or not;

(iii) if acquired, whether any payment has been made to the land-holder of the aforesaid Khata-Khesra or not.

11. In the aforesaid background, this Court would expect the Collector, Saran at Chapra to take a decision on the aforesaid three points which has been noticed by this Court.

12. Learned counsel for the petitioner submits that he shall be approaching the Collector, Saran at Chapra in next four weeks with a proper representation along with all the necessary documents in support of his claim.

13. Learned counsel representing the respondent nos. 3 and 5 submit that in that case, notices has to be issued to all the stakeholders of the land including the heirs of Dhruva Narayan Pandey.

14. It goes without saying that when the Collector, Saran at Chapra and/or the concerned authority takes up the matter, all the stakeholders of the aforesaid land has to be



noticed/heard before any decision is taken by him before 31st of December, 2025.

15. The aforesaid order has been passed in the background of the claim of the petitioner that he/family members own the said land and no compensation has been made to them. If the Collector comes to a conclusion that already the stakeholders have been paid the compensation amount regarding the said land, a reasoned order has to be passed in the aforesaid period of 31st December, 2025.

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

(Rajiv Roy, J)

Vijay Singh/-

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