

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17933 of 2025**

1. Dashrath Prasad Singh, Son of Late Bishesar Mandal @ Vishesar Prasad Singh, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
2. Subhit Prasad Singh @ Sumit Prasad Singh, Son of Late Bishesar Mandal, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
3. Upendra Prasad Singh, Son of Late Bishesar Mandal, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
4. Pankaj Kumar Singh, S/o Late Chunchun Prasad Singh and grand son of Late Bishesar Mandal, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The Chairman-cum-Managing Director, Bihar State Power Hoding Company Limited 1st Floor, Vidyut Bhawan Bailey Road, Patna through its Chairman.
2. The Secretary, Energy Department, Government of Bihar, Patna.
3. The Electrical Executive Engineer Amarpur, District- Banka.
4. The District Magistrate, Banka.

... .. Respondent/s

**Appearance :**

|                          |   |                                                                         |
|--------------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Rabindra Kumar, Adv.<br>Mr. Mukesh Kr. Rajak, Adv.                  |
| For the Resp. Nos. 1,2,3 | : | Mr. Mr. Vivek Prasad, Standing counsel<br>Mr. Pratiyush Kumar, AC to SC |
| For the Resp. No. 4      | : | Mr. Sarvesh Kumar Singh, AAG-13                                         |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      18-11-2025                      The instant writ petition has been filed by the  
  
petitioners under Article 226 of the Constitution of India  
  
seeking the following reliefs :-

*“(A). For issuance of an appropriate  
writ/ order/direction directing the respondent to  
exclude land mentioned belows*

|                  |                 |                                       |
|------------------|-----------------|---------------------------------------|
| <i>Khata No.</i> | <i>Plot No.</i> | <i>Area</i>                           |
| 84               | 459             | 2.34 <sup>1</sup> / <sub>4</sub> acre |
|                  | 498             | 0.26acre                              |
|                  | <i>Total</i>    | 2.60 <sup>1</sup> / <sub>4</sub> acre |



*of village- Kadwar, P.S- Belhar, District- Banka, from installing power plant project of Government of Bihar or in alternative respondents may be further directed to acquire the said land under the provision of land Acquisition Act.*

*(B) For any other relief/s for which the petitioner are found entitled to.”*

2. Mr. Rabindra Kumar, learned counsel for the petitioners, Mr. Vivek Prasad, learned standing counsel for the respondent Nos. 1, 2 & 3 and Mr. Sarvesh Kumar Singh, learned AAG-13 for the respondent No. 4, are present and they are heard.

3. The main grievance raised by the petitioners in this writ petition is that upon the raiyati lands of the petitioners, the Electricity Department is going to construct a power plant without acquiring the same as cement pillars have been installed around the lands of the petitioners in August 2025 without obtaining their consent as well as without acquiring their lands and in this regard, the petitioners have filed a representation (Annexure-P/2) before the District Magistrate, Banka (respondent No. 4), with a prayer to redress their grievance but no step has been taken and even no information has been given to them by the concerned Electricity Department regarding the proposed construction of the power plant project.



4. This Court is of the view that the issue raised by the petitioners is premature for consideration under its writ jurisdiction as the petitioners have not given sufficient details with regard to the proposed construction of the said power plant upon their land and simply, mere installation of some pillars, it can not be presumed that some construction work will be done by the Electricity Department, however, the petitioners are directed to file a fresh representation before the respondent Nos. 1, 2 & 3 within four weeks from today. Upon that representation, the said respondents will look into the petitioners' grievance and take necessary steps to redress their grievance, if they make out a *bona fide* case with regard to the aforesaid issue, in the next four weeks from the date of filing of their representation. Accordingly, the instant writ petition stands disposed of.

5. It is expected from the Electricity Department that it shall not start further construction work over the petitioners' *raiya* land without acquiring it.

(Shailendra Singh, J)

annu/-

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