

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22850 of 2018**

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1. Kedar Prasad Singh and Ors
  2. Ramadhar Singh
  3. Ashok Singh
  4. Jitendra Kumar Singh All S/O Late Shivnandan Singh
  5. Raghubansh Singh S/O Ram Charitra Singh All R/O Village-Aghara, Post-Pirauta, P.S.-NTPC Khaira, District-Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Executive Officer, BRBCL NTPC Navinagar, Aurangabad Bihar
3. The Commissioner, Gaya Pramandal, Gaya.
4. The Collector-cum-District Magistrate, Aurangabad Bihar.
5. Additional Collector, Aurangabad Bihar.
6. D C L R, Aurangabad Bihar.
7. Circle Officer, B R B C L, Navinagar, Aurangabad Bihar
8. Rajendra Singh
9. Devendra Singh
10. Satyedra Singh All 8 to 10 are S/O Late Ram Nandan Singh All R/O Village-Aghara, Post-Pirauta, P.S.-NTPC Khaira, District-Aurangabad Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Lal Bahadur Singh, Adv.  
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      10-11-2025

Heard the parties.

2. The present application has been preferred:

*for issuance of appropriate writ of mandamus and any other writ or writs, command, direction/directions to the respondents authority to grant and pay the compensation in lieu of land acquired by the BRBCL (NTPC) Project by the Government of Bihar after recovery from the Private Respondents (i.e. 8 to 10) and/or any other*



*appropriate order/orders,  
direction/directions as your lordship may  
deem fit and proper in the interest of natural  
justice and fair play.*

3. Learned counsel for the petitioner has taken this Court to Annexure-3 (page 21) which is the notice issued by the office of the District Land Acquisition Officer, Aurangabad vide memo no. 507 dated 30.07.2013 to one of the respondent no. 8, Rajendra Singh asking him as to why the notice has been issued to him and as to why the excess money be not realised from him.

4. There is another notice dated 16.08.2016 (Annexure-5) according to which the respondent, District Land Acquisition Officer, Aurangabad came to the conclusion that after the measurement, it has been found that petitioners' family were entitled to Rs. 10,92,584/-. Unfortunately, the State respondent in their counter affidavit recorded that the respondent no. 8 has moved before Patna High Court in CWJC No. 896 of 2017 challenging the notice dated 16.08.2016 (wrongly typed as 16.08.2018).

5. This Court has taken note of CWJC No. 896 of 2017 (Rajendra Singh Vs. State and Ors). The prayer made by the said petitioner, Rajendra Singh (respondent no. 8) is contrary



to what has been stated in the counter affidavit. While the notice issued by the respondent-District Land Acquisition Officer, Aurangabad is dated 16.08.2016, the prayer in the CWJC No. 896 of 2017 relates to payment of compensation in view of the letter no. 37 dated 09.01.2016. How and under what circumstance, the said averment has been made in the counter affidavit, only the Officer who has put the same on affidavit can inform. The aforesaid CWJC No. 896 of 2017 stood disposed of on 24.06.2025 allowing the petitioner to approach appropriate authority/Court for the redressal of the grievance.

6. At this stage, learned State Counsel, Mr. Dhurjati Kumar Prasad has taken this Court to the decision of the Patna High Court in **Girish Kedia Vs. State of Bihar** reported in **2025(1)PLJR 192** with specific reference to paragraph 41 which read as follows:

*41. The law is well settled that any amount paid/received without the authority of law can always be recovered barring exceptions of extreme hardships or prohibited under any Statute/Rules, but not as a matter of right. In such situation, law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment. The Hon'ble Supreme Court on various occasions held that the*



*excess payment of public money which is often described as "tax payers' money" belongs neither to the officers who have effected over-payment nor that of the recipients. Possibly, effecting excess payment of public money by officers, may be due to various reasons like negligence, carelessness, collusion, favouritism etc. because money in such situation does not belong to the payer or the payee. Payments are being effected in many situations without any authority of law and payments have been received by the recipients also without any authority of law. This Court is also not unmindful of the fact that the land of the petitioners have been acquired by the State Government in terms of the prescription of Act, 2013 and thus they should be compensated adequately in commensurate with the valuation of the land. In case, the landholders get less payment against the value of their acquired land, it would be certainly transgress the statutory and constitutional right to property as mandated under Article 300A of the Constitution, but once they receive excess payment to the value of their land, it would certainly amount to unjust enrichment.*

7. This Court has taken note of the aforesaid facts as



also that the notice dated 16.08.2016 issued by the State respondent was not under challenge in CWJC No. 896 of 2017. It has also taken note of paragraph 41 of the order of Patna High Court in Girish Kedia (supra) case in which it has been held that the State respondents have the right to take steps for the realization of the amount if access payment is made.

8. In that background, instead of keeping the writ petition pending, it would be appropriate that the same is disposed of with a direction to the State respondent, particularly the respondent no. 4, the Collector, Aurangabad as also the District Land Acquisition Officer, Aurangabad to look into the claim of the petitioner, issue notice to the parties and take the matter to its logical conclusion, if still not taken, by 30.06.2026.

9. Needless to add, if the petitioners are entitled to the amount, the same has to be paid within eight weeks from the date the order is passed by the authorities.

10. With the aforesaid observation, the writ petition is disposed of.

**(Rajiv Roy, J)**

Vijay Singh/-

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