

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4703 of 2016

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Pujya Narayan Mahaldar Son of Late Mahgu Mahaldar Resident of Village
and Post - Pirpainti Bazar, P.S. - Pirpainti, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate cum Collector, Bhagalpur.
3. The District Land Acquisition Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Sharma, Advocate
		Mr. Dhirendra Nath Jha, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, SC-3
		Md. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2026 Heard Dhirendra Nath Jha, learned counsel for the
petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of writ in the nature of
mandamus commanding and directing the
respondents, to pay the rest due
compensation amount of 20% in Panchat
No. 67 prepared In Case no 26/2010-11 of
the lands which was acquired by the
government for the purpose of Pirpainti
Thermal Power Project only to the petitioner*



and his 4 brothers and not to pay his sister namely Meera Devi who is not entitled to receive the same as per Hindu Law, when the aforesaid Panchat No 67 prepared in her name also against which the petitioner and his other brothers have already filed objection in terms of provision of Land Acquisition Act before the District Land Acquisition Officer, Bhagalpur on 30.01.2016;

(ii) for holding and declaration that petitioner and his A brothers are only entitled to get the amount of compensation in terms of Panchat no 67 prepared in terms of Case No 26/2011-12 against which 80% amount have already been paid to the petitioner and his 4 brother and also to his sister who was not entitled to receive the same but the respondents have wrongly prepared the Panchat and paid the amount to her also;

(iii) to direct the respondents to dispose of



the objection filed by the petitioner and his brothers before District Land Acquisition Officer, Bhagalpur on 30.1.2016 as contained in Annexure to this petition;

(iv) and/or pass such other order or orders as deem fit and proper in the interest of justice..

3. The matter relates to a land (khata no. 215, kheshra no. 1604-0.48 acres and khata no. 432, kheshra no. 1605 measuring 0.22 acres under Anchal Pirpainti, Circle Office in the district of Bhagalpur).

4. Learned counsel for the petitioners has taken this Court to the Annexure-3 to show that 80% of the Award amount was paid to the brothers/sisters way back in the year 2014 but 20% has still not been released. On query, whether the same is the latest position, the answer is in affirmative.

6. Learned State counsel has served the copy of the present petition in the year 2016 submits that he shall be seeking instruction on the matter. The case has seen the light of the day ten years later and the State respondent failed to file any reply. Instead of granting time after imposing cost, it would be appropriate that the matter is sent to the Collector, Bhagalpur



where the petitioners shall file their respective applications alongwith the present order and he/she shall be taking the matter to its logical conclusion after noticing/hearing all the parties.

7. If the contention of the petitioner is/are true and the payment has not been made and there is no impediment in releasing the amount, the same has to be released within a period of four weeks from which the Collector, Bhagalpur takes decision.

8. Failure to do so, the claimants shall be entitled to statutory interest on the amount.

9. It is reiterated that the aforesaid order has been passed under the belief and on instruction of the learned counsel for the petitioner that the 20% amount has still not been paid and there is no laches on their parts.

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

(Rajiv Roy, J)

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