

Patna High Court - Orders

Visthapit Kishan Majdoor Kalyan ... vs The State Of Bihar on 24 July, 2019

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14391 of 2019

=====

Visthapit Kishan Majdoor Kalyan Samiti through its Vice President Ambika Prasad Singh, Situated in Village- Sasna, P.S. Badem, OP. Nabinagar), District- Aurangabad, Bihar,

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Land Acquisition -Cum-Special Secretary, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The Additional Collector-Cum-Chairman, Village Development Advisory Committee, Nabinagar Power Generation Company Private Limited, Aurangabad.
6. The District Land Acquisition Officer, Aurangabad.
7. National Thermal Power Corporation through its Managing Director, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi.
8. Nabinagar Power Generation Company Private Limited through its Chief Executive Officer, Aurangabad, Bihar.

... .. Respondents

=====

Appearance :

For the Petitioner : Mrs. Leelawati Kumari
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)
For Respondent No. 6 (NTPC) : Mr. Amaresh Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

3 24-07-2019 Visthapit Kishan Majdoor Kalyan Samiti through Ambika Prasad Singh, who claims to be its Vice President, has filed the present writ application seeking following reliefs :-

"a. For quashing of Memo No. 579 dated 27.08.2013 issued by District Magistrate, Aurangabad by which amount of annuity to be given to displaced farmers was decided in the meeting held on 24.8.2013 ignoring the guidelines enumerated Chapter 2.3.4.1 of Rehabilitation and Resettlement Policy, June-2010 (hereinafter referred to as R & R Policy, 2010) .

Patna High Court CWJC No.14391 of 2019(3) dt.24-07-2019 b. For a direction to Respondent Authorities to reconsider the amount of annuity to be given to displaced farmers of Nabinagar Power Generating Company Private Limited, Nabibagar, Aurangabad (hereinafter referred to as NPGCL) as per guidelines enumerated in Chapter 2.3.4.1 to R & R Policy, 2010 in mutual consultation with Project Affected Persons (hereinafter referred to as PAPs)/Stakeholders based on land yield, yearly income of land etc. c. For a direction to the Respondent Authorities to constitute

fresh Village Development Advisory Committee (hereinafter referred to as VDAC) in accordance with Chapter 4.1.2 of Rehabilitation and Resettlement Policy, June-2010.

d. For a direction to Respondent Authorities to conduct regular meeting with PAPs/Stakeholders of NPGCL for considering the various rights and entitlements as displaced farmers of NPGCL in accordance with R & R Policy, 2010 as well as Land Acquisition Act.

e. For any other Writ/Writs, Order/Orders, Direction/Directions on the basis of circumstances and facts stated here in after in the present case.

In my view, this writ application, filed on behalf of Samiti, cannot be maintained. The individuals, who are aggrieved with the decision of the District Magistrate, Aurangabad, could have ventilated their grievance in their individual capacity before appropriate forum.

I must record that a memo issued on 27.08.2013 is being challenged in the present writ application nearly six years after its issuance.

Patna High Court CWJC No.14391 of 2019(3) dt.24-07-2019 In any view of the matter, since I am of the view that this writ application cannot be maintained by the Samiti, this application is dismissed with the observation that this order will not preclude the individuals from claiming their respective rights in accordance with law.

(Chakradhari Sharan Singh, J) Pawan/-

U