

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1696 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Buxar

STPL a Subsidiary Company of SJVNL (Satluj Jal Vidyut Nigam Limited) Registered Office 169, Patliputra Colony, P.S- Patliputra, Patna-800013, Local Address/ Project Office SJVN Thermal Private Limited, Mohanpurwa, Akhauripur Gola, Chausa, P.S- Buxar Mufasil, Distt.- Buxar, Bihar- 802114 through Sri Uday Kumar Sinha, General Manager/Human Resource Manager, aged about 59 Years, Male, Son of Late Bikram Singh, Resident of Flat No. D/1, Sumitam Griham Vatika Ambedkar Path, Bailey Road, Patna, P.S- B.V. College, Patna, Distt.- Patna. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Home Police Department, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Central Range, Patna.
5. The District Magistrate, Buxar.
6. The Superintendent of Police, Buxar.
7. The Deputy Superintendent of Police, Buxar.
8. The Sub Divisional Officer, Buxar.
9. The Sub Divisional Police Officer, Buxar.
10. The SHO, Chausa, Police Station, Buxar.
11. SHO, Buxar Mufasil Police Station, Buxar.
12. Larsen and Toubro Ltd. L & T House, Ballard Estate P.O Box No.- 278, Mumbai-400001. Local Office- First Floor, Baleshwar Bihar, Boring Canal Road (West), P.S- Boring Road, Patna- 800001.

... .. Respondents

Appearance :

For the Petitioner : Mr. Lalit Kishore, Sr. Advocate
Mr. Ranjeet Kumar, Advocate
For the State : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 16-01-2024 Heard Mr. Lalit Kishore, learned Senior Counsel assisted by Mr. Ranjeet Kumar, learned counsel for the petitioner and Mr. Manish Kumar, learned GP-4 for the State.

2. Initially, this writ application was preferred seeking



the following reliefs:-

“i) For issuance of direction to the State Police Officer and Local administrative Officer, Buxar to ensure unlocking of the main gate of ongoing project for the development of 1320 MW (2×660 MW) Buxar Thermal Power Project at Village-Chausa in District-Buxar and provide adequate security and maintain law and order at the site, for the reason that 400-500 villagers whose lands acquired after following the provisions of law have been creating serious law and order problem regularly, for which number of FIR (Buxar Muffasil P.S. Case No. 15 of 2023 Dated 10.01.2023, 16 of 2023, 17 of 2023, 19/2023 and 20 of 2023 Dated 10.01.2023) were instituted, detailed representation was submitted on 01.05.2023 to the District Magistrate, Buxar (with a copy to the Chief Secretary, Bihar, Patna & the Secretary, Ministry of Home Affairs, Bihar, Patna) which remained unanswered and consequently on 10.10.2023 the protesters including land lords restrained more than 5000 workers from executing the prestigious project by putting a lock at the main gate of the site obstructing all activities including ingress and outgress and they are still sitting on Dharna at the main gate by installing tent etc. and all incident happened and still happening in the presence of the local police and the matter was published in almost all newspaper, but no action till date has been taken for unlocking the main gate, removing the protesters from the main gate, maintaining law and order at the site and providing security to the employees and officers of the petitioner company,



The local police showing their helplessness for the reason best known to them.

ii) For that the petitioner further prays for issuance of direction to the respondent authorities to consider the representation of the petitioner dated 01.05.2023 and take appropriate action for maintaining law and order at the site until the project is completed in all respect.

iii) For any other relief for which the petitioner may be deemed entitled to.”

3. This Court was informed that the petitioner is a subsidiary company of Satluj Jal Vidyut Nigam Limited (in short ‘SJVNL’). A Memorandum of Understanding (MoU) has been executed between the SJVNL and Bihar State Power Holding Company Limited as also with the Bihar State Infrastructure Company Limited on 17.01.2013 for development of 1320 MW (2×660 MW) Buxar Thermal Power Project at Village-Chausa, District-Buxar.

4. The grievance of the petitioner at the relevant time was that as the Larsen and Toubro (in short ‘L & T’) commenced the work of the main plant on the land allotted by the BIADA and for the purpose of timely execution and completion of work, they had already engaged more than 500 labourers and had achieved 76% physical and 80% financial progress, a large number of villagers/land owners in numbers



between 100-500 kept on assembling at the main gate of the project and they were creating law and order problem. The land owners threatened the officers and workers at the site which was regularly informed to the Muffasil Police Station but no positive action was taken for maintaining law and order problem. On 10.10.2023, the villagers/land owners locked the main gate itself which completely obstructed the ingress and outgress and all these incidents happened in presence of Police.

5. Considering the given situation on the spot, this Court heard the matter in Hybrid Mode and the District Magistrate, Buxar who was present online in the hearing on 17.10.2023 assured this Court that he would be taking all appropriate steps in consultation with the Senior Superintendent of Police, Buxar to ensure that the main gate of the plant premises is opened by the morning of the next day to enable the staffs and workers of the company a free movement to their residential area and plant premises. The District Magistrate, Buxar further informed this Court that for this purpose, he would also discuss with the protesters to shift themselves at some distance from the main gate. In the hearing held on 18.10.2023, this Court was informed that now the main gate of the plant has been opened and free access has been provided to



the workers and the staffs.

6. Thereafter, Interlocutory Application No. 01 of 2023 has been filed on behalf of the petitioner seeking to amend the writ application by adding one more prayer in the main writ application. This time, the petitioner has sought for issuance of a direction to the District Administration, Buxar to provide adequate security and maintain law and order at the proposed site of the Water Pipeline Corridor (which also includes Main Approach Road, Crown Portion Rail Bulb Area) and Rail Corridor which are integral part of the Thermal Power Project, Buxar.

7. Learned Senior Counsel for the petitioner submits that the land was handed over to the petitioner after completion of all formalities in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred to as the 'Act of 2013') but the work is completely stopped because of the violent and offensive obstruction and agitation of the land owners.

8. A supplementary affidavit has been filed today. It is stated in paragraph '9' of the supplementary affidavit that the farmers as soon as came to know about the work of Water



Corridor and Rail Corridor are to commence, they assembled at the main gate of the main plant area and created serious obstruction in the main plant area on 26.12.2023 and they forced the labourers to vacate the premises and then locked the main locked. But at this stage, with the intervention of the Administration, the main gate was unlocked after two hours but the protesters did not allow the labourers to come inside the plant for execution of work. This has been communicated to the Chief Secretary, Bihar, Patna as well as the District Magistrate, Buxar vide Letter dated 02.01.2024. A copy of the letter has been brought on the record as Annexure 'P/24'.

9. It is further submitted that the Project Head of L & T had also sent information to the SHO, Muffasil Police Station, Buxar on 26.12.2023. This Court has been informed that a meeting was convened by the District Administration on 02.01.2024 wherein representative of the petitioner as well as some of the representatives of the farmers were also present and participated and it has been resolved to start the work and the representatives of the farmers have given their consent. A copy of the Minutes of the meeting dated 02.01.2024 has been annexed as Annexure 'P/26' to the supplementary affidavit.

10. At this stage, learned Senior Counsel for the



petitioner submits that the petitioner is expecting support from the District Administration in maintaining law and order issue at not only inside the plant area but also in the execution of the work of the Water Corridor as well as the Rail Corridor upon 225 acres of land out of which, 17 acres land are Government land and remaining land is Raiyati land acquired in accordance with law.

11. Mr. Manish Kumar, learned GP-4 appears for the State and submits that from the narration of facts present in the pleadings of the petitioner, it would appear that the District Administration has been taking constant positive action and has ensured that the protesters be persuaded not to disturb the ongoing work inside the plant, Water Corridor and Rail Corridor. It is submitted that no doubt in past, the petitioner's Contractor i.e. L & T has faced some rough weather but the Administration is always there to take all affirmative action to maintain law and order. In this regard, an appropriate direction may be issued by this Court.

12. Having heard learned Senior Counsel for the petitioner and learned counsel for the State, this Court is of the considered opinion that the District Administration must take all positive and affirmative steps to ensure that no



hindrance/obstruction is created either at the main gate of the plant, inside the plant, in the work of the Water Corridor and in the work of the Rail Corridor. No doubt the Minute of the meeting dated 02.01.2024 is an affirmative action and this seems to have resolved the problem for the present but this Court would direct the District Magistrate, Buxar to keep a constant vigil over the aforesaid areas and ensure that the protesters do not assemble inside the plant area, in the areas where the execution of work of Water Corridor as well as Rail Corridor is going on. These are the works of public importance and the beneficiaries are the public at large, therefore, all endeavours be made by all the stackholders to ensure that the work should progress without any hindrance from the protesters. The direction of this Court is issued taking into consideration the assurance given by the District Magistrate, Buxar in the previous hearing that he would discuss the matter with the protesters also to resolve the crises.

13. This writ application and I.A. No. 01 of 2023 are disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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