

Court No. - 21

Case :- WRIT - C No. - 28353 of 2023

Petitioner :- Smt. Sakha Devi

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Satish Chandra Singh

Counsel for Respondent :- A.S.G.I.,C.S.C.,Pranjal Mehrotra,Vaibhav Tripathi

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Shri Satish Chandra Singh, learned counsel for the petitioner, Shri Rajiv Gupta, learned Addl. Chief Standing Counsel for the State-respondents, Shri Vaibhav Tripathi, learned counsel appearing for respondents No. 1, 2 & 3 and Shri Pranjal Mehrotra, learned counsel appearing on behalf of respondent No. 6.

2. The instant petition has been filed praying for a direction to the fourth respondent to decide the representation of the petitioner dated 12.03.2021 (Annexure-5) and prepare fresh award in light of the present circle rate.

3. The Railway has acquired certain land for the dedicated freight corridor.

4. The case of the petitioner is that the land ad-measuring 0.081 hectare of Gata No. 497 was also acquired. The title over the said land is being claimed by the petitioner on the basis of sale deed dated 01.07.2005 from Kanhaiya, Santosh and Shayama Devi. The award was made on 21.07.2012 and 19.06.2014 and the amount was deposited with the Competent Authority. The petitioner was issued notice by Competent Authority for withdrawal of the compensation amount. In the said notice, name of Kanhaiya, Santosh and Shyama Devi was also mentioned in addition to that of the petitioner.

5. It is clear from the pleadings that the petitioner has two fold grievance firstly that the amount of compensation determined under the award is inadequate and second that some part of the compensation amount has been wrongly released in favour of the co-sharers, namely, Kanhaiya, Santosh and Shyama Devi.

6. The respondents have taken the stand that the petitioner despite having knowledge that the amount falling to her share is in deposit before the Competent Authority, has not been withdrawn the same. They have further taken the stand that in case there is dispute between the co-sharers in relation to their share in the acquired land, that can only be decided by the civil court in terms of Section 20-H(4) and any dispute for enhancement of compensation by the Arbitrator in terms of Section 20-F(6) of the Railways Act, 1989.

7. We find considerable force in the submission of learned counsel for the respondents. The petitioner has to approach the Arbitrator for enhancement of compensation and civil court for getting the dispute settled in respect of apportionment of the compensation amount.

8. Accordingly, the instant petition is **disposed of** with liberty reserved in favour of the petitioner to seek the aforesaid remedies, if so advised.

Order Date :- 6.11.2023

Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,J.)