

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16876 of 2011

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1. Amar Kumar S/O Sri Ganesh Chandra Sao Resident Of Lakha Nagar, Khagaul Cantt. Road, P.O. And P.S.- Khagaul, District- Patna

.... Petitioner/s

Versus

1. The Union Of India Through The General Manager, Eastern Central Railway, Zonal Office At Hazipur, Vaishali
2. The Divisional Railway Manager, Danapur Division, Khagaul, Patna
3. The District Magistrate, Patna
4. The District Land Acquisition Officer, Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 17028 of 2011

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1. Sanjay Kumar S/O Sri Ram Chandra Sah Resident Of Village- Rampur, Adampur, Mohalla- Garikhana, Cantt. Road, Infront Of Bank Of India, P.O. And P.S. Khagaul , District- Patna

.... Petitioner/s

Versus

1. The Union Of India Through The General Manager, Eastern Central Railway, Zonal Office At Hazipur, Vaishali
2. The Divisional Railway Manager, Danapur Division, Khagaul, Patna
3. The District Magistrate, Patna
4. The District Land Acquisition Officer, Patna

.... Respondent/s

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Appearance :

(In CWJC No. 16876 of 2011)

For the Petitioner/s : Mr. Mohan Kumar Singh, Advocate

For the Respondent/s : Mr Shabbir Ahmad, Advocate.

(In CWJC No. 17028 of 2011)

For the Petitioner/s : Mr. Mohan Kumar Singh

For the Respondent/s : Mr. Sanjay Pandey GP21

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 13-10-2015

Heard the counsel for the petitioners and counsel for the
respondent Eastern Central Railway (for short 'the ECR').



The petitioners claim themselves the land loser on account of acquisition of their land for construction of Sonapur-Digha Rail Pool project. Indisputably, the acquisitions were made by the respondents sometimes in the year 2001-2002. It has been submitted on behalf of the petitioners that the Railways have come out with a policy decision to give one employment in appropriate category to each such family apart from the compensation money on account of such acquisition rendering the family homeless/landless. The petitioners have been making representations in this regard but the same has not been considered. The counsel has referred to few orders passed by this Court in order to submit that the matter was directed to be considered on a representation filed in this regard by the appropriate/competent authority of the respondent – ECR.

After making submissions at some length, the counsel for the petitioner(s) submitted that the present applications be also disposed of permitting the petitioner(s) to make appropriate representation supported by all relevant documents before the competent/appropriate authority of the respondent-ECR for consideration and disposal in accordance with law.

In spite of indulgence granted to the respondents no counter affidavit has been filed. Mr. Shabbir Ahmad counsel for the

respondent-ECR in one of the cases has submitted that the appropriate competent authority in the matter of grant of employment of any category shall be the Railway Board and not the officer at the Zonal level.

Having regard to the submissions of the parties, this Court, without expressing any view on the merit of the claim of the petitioners dispose of the writ applications by permitting the petitioner(s) to make a detailed representation supported by all the relevant papers/documents before the respondent -Railway Board for consideration and disposal in accordance with law. If any such representation is filed within four weeks, the respondent-Railway Board shall consider and dispose of the same in accordance with law as quickly as possible preferably within three months from its presentation.

(Kishore Kumar Mandal, J)

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