

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9718 of 2014

- =====
1. Sarswati Devi Wife of Late Rajendra Prasad Yadav Resident of Mouja, Khedalpura, P.O+ P.S- Khagaul, District- Patna.
 2. Meghnath Prasad Son of Brahmdeo Prasad Resident of Mouja- Sarari, P.O+ P.S- Khagaul, District- Patna.
 3. Anil Kumar Son of Late Horil Prasad Resident of Village Jamaluddin Chak, P.O+ P.S- Khagaul, District- Patna.
 4. Kaushalya Devi Wife of Late Kishun Rai resident of Village- Jamaluddin Chak, P.O+ P.S- Khagaul, District- Patna.
 5. Ram Bhajan Prasad Son of Late Raja Ram resident of Village- Jamaluddin Chak, P.O+ P.S- Khagaul, District- Patna.
 6. Rampari Devi Wife of Late Ganga Rai Resident of Village Jamaluddin Chak, P.O+ P.S- Khagaul, District- Patna.
 7. Indra Prasad Son of Late Brahmdeo Rai Resident of Mouja- Sarari, P.O+ P.S- Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The A.D.M. Patna (Land Acquisition).
4. The District Land Acquisition Officer, Patna.
5. The S.D.O., Danapur.
6. The General Manager of East Central Railway, Hajipur.
7. The Chief Personal Officer, East Central Railway, Hajipur.
8. The Deputy Chief Personal Officer (HRD) Personal, East Central Railway, Hajipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shrinandan Singh
Mr. Ashok Kumar

For the Respondent/s : Mr. Krishna Chand, A.C. to A.G.

For the R. No. 6 to 8 : Mr. Sunil Kumar Ravi

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-04-2015 Heard the parties.

The petitioner prays for appropriate direction in nature of mandamus requiring the authorities of the East Central Railways for providing them appropriate employment by virtue of the fact that their cultivable land in village Khagaul Sarari, Khedalpura



and Gorganwa for the purpose of extension and development of the railway yard at Danapur has been acquired. The lands were Class I cultivable lands and their nearness to the Patna town made them high in value. The petitioners while making such submission have also admitted that the compensation has been paid to them but they submit that the scheme of the Railways provided for one employment to each member of the family and which has not been fulfilled despite issues being raised by the Member of Parliament and representation being filed in the Ministry of Railways.

Though the petitioners raise their claim against an acquisition taking place in between 1990-1999 but there is nothing on record to show whether any representation to such effect was filed by these petitioners before the railway authority. The representation on record has been filed by someone else and not by these petitioners.

Mr. Shrinandan Prasad Singh, learned counsel appearing on behalf of the petitioners refers to an order passed by this Court in C.W.J.C. No. 2374 of 2004 (Shailendra Kumar Vs. State of Bihar and Ors.) which in turn has made reference to another order passed in C.W.J.C. No. 12780 of 1999, to submit that as per the scheme undertaken by the railways, the displaced persons or their nominees were entitled to an appointment by the railways. He

thus submits that these petitioners are also entitled for such relief.

Having heard learned counsel for the parties and taking note of the nature of grievance raised, the writ petition is disposed of with a liberty to the petitioners to raise their grievance before the Respondent No. 6 i.e. the General Manager, East Central Railways. Any such representation filed by the petitioners would be considered by the General Manager, East Central Railways in the backdrop of the scheme and if similar appointments have been provided to other land-holders as well then the claim advanced by the petitioners would also require consideration. The representation so filed by the petitioners be considered and be disposed of within three months from the date of receipt/production of a copy of this order, after giving opportunity of hearing to the petitioners.

(Jyoti Saran, J)

Saif/-

U			
---	--	--	--