

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10899 of 2013

- =====
1. Shiv Shankar Kumar S/O Late Sarveshwar Singh Resident Of Village - Dhanaut, P.S. - Rupaspur, Danapur, District - Patna At Present Residing At Mohalla - Rukanpura, Mahuabag P.S. - Patna Airport, District - Patna
 2. Ram Babu Rai S/O Late Mathura Rai Resident Of Village - Dhanaut, P.S. - Rupaspur, Danapur, District - Patna

.... Petitioner/s

Versus

1. The Union Of India, Through General Manager East Central Railways Ministry Of Railway, Hajipur
2. The D.R.M. East Central Railways Ministry Of Railway, Hajipur
3. The Chief Engineer, Construction, Ganga Bridge East Central Railways, Digha Ghat, Patna
4. The Dy. Chief Engineer, Construction East Central Railways, Digha Ghat, Patna
5. The State Of Bihar, Through The Secretary And Commissioner, Revenue And Land Reforms Department, Govt. Of Bihar, Patna
6. The District Magistrate Cum Collector, Patna
7. The District Land Acquisition Officer, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : M/s Santosh Kumar Singh & Anupanand Jha, Adv.
For the Respondent/s : Mr. J.P.Sharma, AC to GP-XI
For the Railways : Mr. Madhu Prasun, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

10 21-01-2015

Heard counsel for the petitioners and the State.

There is a Railway Project for connecting Patna with Sonepure through Railway cum-road Bridge for that the Railway has acquired land in the south as well as north of the Ganga.

For the reasons best known to the Railways they have framed a scheme to grant a job to one member of the family living north side of Ganga whose land has been acquired. Petitioners are residing in the southern side of the Ganga and are

claiming that they are entitled to same benefit as has been given to those resident on other part of the Ganga and their lands have been acquired under the Project.

The petitioners cannot be treated differently as the persons residing in the southern part and northern part of Ganga constitute same class and land acquired for bridge on both sides constitute is one Project. Giving benefit to resident of northern part and depriving resident of southern part which constitute same class is violative of Article 14 of the Constitution of India. The Indian Railways cannot be allowed to treat unequally to those who stand on equal platform. No scheme can be allowed to violate the constitutional mandates.

Counsel for the petitioner has further submitted that persons who are residing in the southern side of the Ganga their lands were also acquired they filed CWJC No. 8283 of 2005, this Court has taken cognizance of the fact and points raised therein, arrived to a conclusion that the persons residing on southern side whose lands have been acquired under one Project cannot be put to discrimination and should be given the same benefit.

Counsel for the Railways submitted that the scheme under which petitioners are invoking relief is not applicable to

southern part of Ganga. The Railways has created a special scheme for those who are residing in the northern part only. He has further submitted that in a similar circumstance, this Court in CWJC No. 18750 of 2012 has rejected the claim of petitioners and, as such, claim of petitioners for appointment of one member from each family is not sustainable.

On hearing both the parties, it appears that the Railways has framed a scheme for providing job to one member of each family for the northern side of the Ganga who are attached to Digha Rail cum-Road Bridge.

Digha Rail cum-Road Bridge constitutes single composite project connecting Patna to Sonpure, as such, acquisition of land from southern side and northern side cannot be said arising from different project and persons who are affected by this project cannot constitute different class rather both constitute one homogenous class. It also appears that the order passed in CWJC No. 8283 of 2005 was not placed for consideration before the Bench which passed order in CWJC No.18750 of 2012.

In this view of the matter, this Court is of the view that petitioners are entitled to same relief as given to the petitioners of CWJC No. 8283 of 2005. Accordingly, respondents

are directed to give same relief to resident s who are residing on northern side of Ganga and t heir land has been acquired for Digha Rail cum-Road Bridge.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Jay/-

U			
---	--	--	--