

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3857 of 2015

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1. Raj Kumar @ Raj Kumar Ram, son of Late Mahendra Ram
 2. Ram Babu Prasad Yadav, son of Late Dwarika Rai,
Both resident of village - Rupaspur, Chulhai Chak, P.S. Rupaspur, Danapur,
District- Patna.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railways,
Ministry of Railway, Hajipur.
2. The Divisional Rail Manager, East Central Railways, Ministry of Railway,
Patna
3. The Chief Engineer, Construction, Ganga Bridge, East Central Railways, Digha
Ghat , Patna
4. The Deputy Chief Engineer, Construction, East Central Railways, Digha Ghat,
Patna.

..... Respondents 1st set.

5. The State of Bihar through the Principal Secretary, Revenue and Land Reforms
Department, Government of Bihar, Patna.
6. The District Magistrate -cum-Collector, Patna.
7. The District Land Acquisition Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate.
Mr. A.N.Jha, Advocate.

For the Railway : Mr. Ashok Kumar Keshri, Advocate.

For the State : Mr. Ashok Kumar, SC 11.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 16-05-2016

Heard learned counsel for the parties.

2. The challenge in the present writ petition is to a speaking order dated 23.05.2012 (Anexure-8) passed by the General Manager, East Central Railway, Hajipur consequent to a direction of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “Tribunal”) passed in O.A.No. 70 of 2012 on 30.01.2012.

3. We find that the order passed by the Railway Authority cannot be challenged in a writ petition directly as is the mandate of the Administrative Tribunal Act, 1985. The petitioners were bound to invoke the jurisdiction of the Tribunal against the order passed. Since, the proper statutory remedy has not been availed by the petitioners; therefore, the present writ petition is dismissed with liberty to the petitioners to take recourse of such remedy as is available to them in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

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