

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1270 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 3860 of 2015

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1. Ranjit Kumar Son of Late Paro Mahto, resident of Village- Parso Bigha, P.S. Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
 2. Rajesh Kumar son of Ramdev Mahto, resident of Village- Parso Bigha, P.S. Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
 3. Sri Rajendra Prasad son of Late Sukhar Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 4. Sri Mahendra Prasad son of Late Sukhar Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 5. Sri Dwarika Pandit son of Late Bundel Pandit resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 6. Sri Bipin Choudhary son of Late Lakhan Choudhary resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 7. Sri Shivdani Prasad son of Late Basudeo Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 8. Sri Dullichand Prasad son of Late Budhan Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 9. Sri Mahendra Prasad son of Late Budhna Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 10. Sri Darogi Mahto son of Late Jethu Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 11. Sri Sanjay Choudhary Son of Late Hari Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 12. Sri Rajendra Mahto @ Rajendra Prasad son of Late Raman Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 13. Sri Ishwar Prasad son of Late Bajo Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 14. Sri Chandrashekhar Prasad and Bhagirath Prasad son of Ramdhani Mahto, resident of Village- Parsobigha, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 15. Sri Kailash Prasad son of Jagdeo Yadav, resident of Village- Puranishahar, P.O.- Barbiga, P.S- Barbiga, District- Sheikhpura.

.... Petitioners-Appellants

Versus

1. The State of Bihar
2. The Collector-cum- District Magistrate, Sheikhpura.
3. The Additional Collector, Sheikhpura.
4. The District Land Acquisition Officer, Sheikhpura.
5. The Circle Officer, Barbiga, Sheikhpura.
6. The Union of India through the General Manager, East Central Railway, Danapur.
7. The Divisional Railway Manager, East Central Railway, Danapur.
8. Sri Baleshwar Prasad Yadav son of Late Ramji Yadav, resident of Village- Purani Shahar P.S. Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
9. Dwarika Prasad son of Late Sheo Sahay Mahto, resident of Village- Narayanpur, P.S Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.

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10. Gendo Paswan son of Madan Paswan, Resident of Village- Narayanpur, P.S. Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
 11. Smt. Pramila Devi, Wife of Gendo Paswan, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 12. Smt Gayatri Devi Wife of Late Pratap Choudhary, resident of Village- Narayanpur, P.S Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
 13. Smt Sunaian Devi, wife of Sri Basant Paswan resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 14. Sri Skand Gupta Son of Late Sukhar Mahto, resident of Village- Narayanpur, P.S Barbiga, P.O. Barbiga, District- Sheikhpura, Bihar.
 15. Sri Jagdish Prasad son of Late Sukhar Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 16. Sri Rajendra Pandit Son of Late Bishwanath Pandit, resident of Village- Koiribigha, P.O.- Barbiga, P.S.- Barbiga, District- Sheikhpura.
 17. Sri Bhikhari Tanti son of Late Kishun Tanti, resident of Village- Narayanpur, P.O.- Barbiga, P.S. Barbiga, District- Sheikhpura.
 18. Sri Umesh Prasad and Mahesh Prasad son of Late Dhano Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 19. Smt Shakunti Devi, Shakila Devi, Anita Devi, Daughter of Late Darogi Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 20. Sri Sunil Choudhary, son of Sri Bindeshwar Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 21. Sri Bindeshwar Choudhary son of Suraj Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 22. Smt. Sushma Devi wife of Dwarika Prasad, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 23. Sri Ashok Kumar son of Late Bhikshuk Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 24. Sri Sheo Charan Choudhary son of Late Sahdeo Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 25. Sri Ramdeo Pandit son of Late Barho Pandit, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 26. Sri Arjun Tanti son of Late Ramsharan Choudhary, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 27. Sri Laxman Sao son of Late Somar Sao, resident of village- Koiribigha, P.S- Barbiga, P.O. Barbiga, District- Sheikhpura.
 28. Sri Ramlagan Paswan son of Late Madan Paswan, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 29. Sri Surendra Prasad son of Late Rameshwar Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 30. Sri Gajadhar Mahto, Mritunjay Mahto, & Sikandar Mahto son of Late Bishundeo Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 31. Sri Sahdeo Prasad son of Late Jaypal Mahto, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 32. Sri Arvind Kumar son of Late Jagdeo Prasad, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 33. Sri Karu Pandit son of Late Akalu Pandit, resident of Village- Narayanpur, P.O.- Barbiga, P.S.- Barbiga, District Sheikhpura.
 34. Sri Chamari Choudhary son of Late Ram Swaroop Choudhary, resident

of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

35. Sri Ramvilash Choudhary son of Late Ram Swaroop Choudhary, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

36. Sri Pramod Kumar son of Late Haro Mahto, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

37. Smt. Ajnasia Devi Wife of Late Jaypal Mahto, resident of village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

38. Smt. Uma Devi wife of Narsingh Paswan, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

39. Sri Bijay Yadav son of Late Shri Balam Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

40. Sri Shree Yadav son of Late Tanik Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

41. Sri Basudeo Yadav son of Late Chetu Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

42. Smt. Ajnasia Devi Wife of Late Rajender Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

43. Sri Chano Chaudhary, son of Late Ramdhani Choudhary, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

44. Sri Upendra Choudhary son of Late Arjun Choudhary, resident of village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

45. Smt. Sitabiya Devi Wife of Late Ganmauri Choudhary, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

46. Sri Rampravesh Yadav son of Gagadhar Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

47. Sri Karo Yadav son of Bajrangi Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

48. Sri Nageshwar Yadav, son of Late Sital Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

49. Sri Mahender Pandit son of Late Dukhi Pandit, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

50. Sri Suresh Prasad son of Late Yugal Mahto, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

51. Smt. Shanti Devi wife of Late Banke Paswan, resident of village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

52. Sri Dharmendra Prasad son of Late Baleshwar Mahto, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

53. Smt. Shaila Devi wife of Late Dwarika Paswan, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

54. Sri Siyaram Yadav son of Late Jagdish Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

55. Sri Brahmdeo Yadav son of Late Vikhani Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

56. Sri Subodh Yadav, son of Chander Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District Sheikhpura.

57. Sri Bhagwan Yadav son of Late Jagdish Yadav, resident of Village- Narayanpur, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

58. Sri Harishchandra Prasad son of Late Budhan Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

59. Sri Birendra Prasad son of Late Garbhu Mahto, resident of Village-



Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

60. Sri Sambhunath Pathak and Shri Lambodar Pathak, resident of Ward No. 04, Village Chandukuan, P.O.- Barbigha, P.S.- Barbigha, District- Sheikhpura.

61. Sri Shiv Shankar Singh son of Late Brishpat Singh, resident of Ward No. 18, Village- Maur, P.O.- Maur, P.S.- Barbigha, District- Sheikhpura.

62. Sri Anil Kumar Chaudhary, son of Late Mohan Chaudhary, resident of Ward No. 07, Village-Puranishahar, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

63. Sri Rajendra Chaudhary, son of Late Hari Chaudhary, resident of Ward No. 07, Village- Puranishahar, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

64. Sri Banaras Prasad son of Late Ragho Mahto, resident of Village Parsobigha, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

65. Sri Ramnaresh Prasad son of Late Kailash Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

66. Smt. Parmeshwari Devi wife of Late Munshi Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

67. Late Gandhari Mahto son of Late Sitaram Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

68. Sri Suresh Prasad son of Late Bishwanath Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

69. Sri Ramsharan Prasad son of Late Keval Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

70. Sri Ishwar Pandit son of Late Narayan Pandit, resident of Village- Puranishahar, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

71. Smt. Sundari Devi Wife of Ramsharan Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.

72. Sri Ravi Shanker Singh son of Late Krishan Nandan Singh, resident of Village- Shairpar, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

73. Smt. Kamla Devi Wife of Late Ramgulab Saw, resident of Village- Puranishahar, P.O.- Barbigha, P.S- Barbigha, District- Sheikhpura.

74. Sri Bipin Bihari Singh son of Late Krishan Kumar Singh, resident of Village- Maur, P.O- Maur, P.S.- Barbigha, Ward No.22, District- Sheikhpura.

75. Sri Ramotar Prasad son of Late Parmeshwar Mahto, resident of Village- Parsobigha, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

76. Sri Ramkishun Mahto Prasad son of Late Ragha Mahto, resident of Village- Chorsua, P.O- Chorsua, P.S. Girayak, District- Nalanda.

77. Sri Aswani Kumar son of Late Ragha Mahto, resident of Village- Chorsua, P.O- Chorsua, P.S. Girayak, District- Nalanda.

78. Smt. Kamla Devi Wife of Late Ramdeo Mahto, resident of Village- Parsobigha, P.S.- Barbigha, P.O- Barbigha, District- Sheikhpura.

79. Sri Budhdeo Prasad son of Gyandhari Yadav, resident of Village- Puranishahar, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.

80. Sri Prasadi Yadav Son of Late Karu Yadav resident of Village- Parsobigha, P.O. Barbigha, P.S.- Barbigha, District- Sheikhpura.

81. Sri Lalan Yadav and Ranjit Yadav son Late Kishun Yadav, resident of Village- Puranishahar, P.O- Barbigha, P.S- Barbigha, District- Sheikhpura.

82. Smt. Binda Devi Wife of Ramavtar Prasad or Suraj Devi wife of Kapildev Prasad, resident of Village- Parsobigha, P.O- Barbigha, P.S. Barbigha, District- Sheikhpura.

83. Smt. Sushila Devi Wife of Rameshwar Mahto, resident of Village- Parsobigha, P.O- Barbigha, P.S.- Barbigha, Distict- Sheikhpura.
84. Sri Sanjay Kumar son of Vijay Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.
85. Sri Ramadhin Kumar Sinha, son of Late Fakirchanda Prasad, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.
86. Smt. Keshari Devi Daughter of Late Shree Laxman Mahto, resident of Village- Parsobigha, P.O.- Barbigha, P.S. Barbigha, District- Sheikhpura.
87. Smt. Parmeshwari Devi wife of Ramswaroop Mahto, resident of Village- Parsobigha, P.O- Barbigha, P.S. Barbigha, District- Sheikhpura.
88. Smt. Usha Devi Wife of Ramvaran Prasad, resident of Village- Parsobigha, P.O Barbigha, P.S.- Barbigha, District Sheikhpura.
89. Smt. Sohagwati Devi wife of Kishori Mahto, resident of Village- Parsobigha, P.O- Barbigha, P.S.- Barbigha, District- Sheikhpura.
90. Ramavtar Singh son of late Parmeshwari Singh resident of Village- Tetarpur, P.O-Barbigha, P.S.- Jayrampur, District- Sheikhpura.
91. Abhay Kumar son of Kedar Singh, resident of Village- Punasara, P.S.- Jairampur, District- Sheikhpura.
92. Maheshwar Singh Son of Late Sital Singh, Village- Punsara, P.S.- Jairampur, District- Sheikhpura.
93. Mithilesh Prasad son of Sri Bsant Mahto, Village- Koyribigha, P.S. Barbigha, District- Sheikhpura
- Respondents-Respondents

Appearance :

For the Appellant : Mr. Kumar Kaushik, Adv.
 For the State : Mr. Anujit Sinha, AC to PAAG II
 For the Respondents 6 & 7 : Mr. A.K. Keshri, Sr. Railway Counsel with
 Mr. Satyeshwar Prasad, Railway Adv.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 10-11-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned single Bench, dated 25th May, 2016, whereby the protection of dispossession claimed by the appellants was impliedly declined.

In the present Letters Patent Appeal an order was passed by the Letters Patent Appeal Bench on 30th May, 2016, during vacation with the direction to the parties to maintain status quo.

We have heard learned counsel for the parties and

find that the interim order granted during vacation on 30th May, 2016, requires to be confirmed as there is no assertion in respect of taking possession of land after announcing the award or payment of the 80% compensation. In view thereof, the parties shall maintain status quo during the pendency of the writ petition before the learned single Judge.

With this direction, the Letters Patent Appeal stands disposed of.

(Hemant Gupta, ACJ)

(Ahsanuddin Amanullah, J)

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