

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8953 of 2014

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1. Pramod Kumar Singh sons of Late Sarva Nand Singh
 2. Subodh Kumar Singh S/o Late Sarva Nand Singh, both Resident of Village - Basti Jalal, Police Station - Dighwara, District - Saran at Chapra

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi
2. The Secretary, Department of Railway, Government of India, Rail Bhawan, New Delhi
3. The General Manager, East Central Railway, Hajipur
4. The Chief Engineer, Construction - II, East Central Railway, Hajipur
5. The Deputy Chief Engineer (Construction) East Central Railway, Hajipur
6. The State of Bihar, through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
7. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
8. The Collector, Saran at Chapra
9. The District Land Acquisition Officer, Saran at Chapra
10. The Mining Officer, Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s

: Mr. Ajay Kumar Sharma, Adv.

For the Respondent Nos. 1 to 5 & 10: Mr. Devendra Kr Sinha, Sr. Adv.

Mr. Bijay Kr. Sinha, Adv.

Mr. Rajendra Prasad, Spl. P.P., Mines

For the Respondent Nos. 6 to 9 : Mr. Himanshu Kumar Akela, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-12-2016

Heard the parties.

Though, in paragraph-5 of the writ petition the petitioners have themselves admitted that the lands in question belong to one Raghunath Sah, who executed a deed of lease in favour of the petitioners, but the learned counsel appearing on behalf of the petitioners submits that some other lands belong to these petitioners also; therefore, according to him, the issues raised on behalf of the petitioners can be considered. However, this fact is being disputed by the learned Senior counsel appearing on



behalf of the respondent nos. 1 to 5 and 10.

Though, a counter-affidavit has been filed on behalf of the respondent nos. 8 and 9, but there is no averment in the aforesaid counter-affidavit as to who is the owner of the lands in question. In that counter-affidavit, there is also no averment about preparation of award in the land acquisition case in question.

In above view of the matter, this Court is of the opinion that all the disputed question of facts can be appropriately considered at the first instance by the respondent District Land Acquisition Officer, Saran at Chapra, who is said to have initiated the land acquisition proceeding in question.

Hence, the petitioners are granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent District Land Acquisition Officer, Saran at Chapra within a period of one month from today with a certified copy of the present order raising all the pleas which have been raised in the present writ petition.

If such a representation is filed on behalf of the petitioners, then the respondent District Land Acquisition Officer, Saran at Chapra shall consider and dispose of the same expeditiously by a reasoned and speaking order strictly in accordance with law, after giving an opportunity of hearing to all concerned.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

B.Tiwary/-

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