

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24148 of 2013

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Jairam Singh, S/O Shri Ram Bachan Singh, Resident Of Village- Ahraon,
P.S- Sasaram, P.S- Sasaram (M), Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry Of Railway, Rail Bhawan, Government of India, New Delhi.
2. The Chief Project Manager, Eastern Dedicated Corridor, Indian Railway, Shyam Kunj, Dhaki, Varanasi (U.P)
3. The State Of Bihar Through The Principal Secretary, Department Of Revenue, Government Of Bihar, Patna.
4. The District Magistrate-Cum- Collector, Rohtas At Sasaram.
5. The District Land Acquisition Officer, Rohtas At Sasaram
6. Shri Ram Bachan Singh S/O Not Known Resident Of Village- Ahraon, P.O- Sasaram, P.S- Sasaram (M), Sasaram, District- Rohtas
7. Smt. Renu Devi C/O Shri Ram Bachan Singh Resident Of Village- Ahraon, P.O- Sasaram, P.S- Sasaram (M), Sasaram, District- Rohtas.
8. Smt. Urmila Devi W/O Shri Kailash Singh Resident Of Village Mahadiganj, P.O- Sasaram, P.S- Sasaram (M), District- Rohtas.
9. D.R.M. Mughalsarai, East Central Railway

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the Respondent nos.4&5	:	Mr. Krishna Chandra, AC to AG
For the Respondent nos.1&9	:	Mr. Sunil Kumar Ravi, Adv.
For the Respondent no.2	:	Mr. Neeraj Kumar Gupta, Adv.
For the Respondent no.8	:	Mr. Rajesh Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2016

Heard the parties.

Indisputably, with respect to the lands detailed in paragraph 4 of the writ petition an award was prepared in favour of the respondent no.8 under the provisions of the Railways Act, 1989 (as amended).

The claim of the petitioner is that he has filed Title Suit No.70 of 1996 in the court of learned Munsif, Sasaram, Rohtas for declaration of his right and title over the lands in question and till the matter is decided by the Civil Court the amount of compensation for the lands in question should not be paid to the respondent no.8 and if any amount has already been

paid that should be recovered.

Though the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but in view of the averments made in the counter affidavit filed on behalf of the respondent no.8, he has fairly conceded that now the aforesaid Title Suit filed on behalf of the petitioner has been dismissed by a judgment and decree dated 26th July, 2014.

The learned counsel appearing on behalf of the respondents, on the other hand, in one voice submit that in view of dismissal of the aforesaid Title Suit by the Civil Court, the petitioner has no valid claim with respect to the amount of compensation paid to the respondent no.8 and according to them on that ground alone the writ petition is liable to be dismissed.

However, the learned counsel for the petitioner, by way of reply, submits that against the judgment and decree passed by the Civil Court, the petitioner has filed Title Appeal before the appellate Court, which is still pending.

In above view of the matter and particularly in view of the observations made in the impugned order dated 27.09.2013 (Annexure-1), the present writ petition is disposed of with an observation that, if the petitioner succeeds in the aforesaid Title Appeal, then he shall be at liberty to approach the competent authority for recovery of compensation amount already paid to the respondent no.8.

The writ petition stands finally disposed of.

Arvind/-

(Birendra Prasad Verma, J)

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