

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21996 of 2014

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1. Anil Singh
 2. Bikram Singh, both are sons of Late Nagina Singh, resident of village – Bahrauli, P.S.Mashrakh, District Saran.

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Saran at Chapra
3. Land Acquisition Officer, Saran, Chapra
4. Union of India through the Secretary Railways, New Delhi.
5. East Central Railway through its General Manager, Hajipur, District Vaishali.

.... Respondents

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Appearance:

For the Petitioners : Mr. Kapil Deo Singh, Advocate
For the Resp. Railway : Mr. Ashok Kumar Keshri, Advocate
For the State : Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

The present writ petition has been filed for a direction to the respondents to pay enhanced compensation to petitioners for acquisition of their land and house for construction of Maharajganj Mashrakh Railway Line.

2. Learned counsel for the petitioners submits that the petitioners had been paid only Rs. 1,29,318.75 and Rs. 20,364.05 calculated at a very low rate of Rs. 20,000/- per Khata whereas the Government has fixed Rs. 60,000/- per Khata.

3. Learned counsel for the respondents appears and objects to the maintainability of the writ petition submitting that the petitioners have alternative remedy under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act')

4. Having regard to the nature of prayer of the petitioners, this Court finds substance in the submission made on behalf of the respondents. Section 18 of the said Act reads as follows-

"18. Reference to Court – (1) Any person interested who has not accepted the award may, by written application to the



Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken.

Provided that every such application shall be made –

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector’s award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector’s award, whichever period shall first expire.”

5. In the above view of the matter, the writ petition is disposed of granting liberty to the petitioners to approach the Collector, Saran at Chapra (respondent no. 2) with an application for reference for determination of the Court in terms of Section 18 of the Act.

6. It is made clear that in case such an application for reference is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioners while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/BT

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