

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1320 of 2015

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1. Laxmi Choudhary
 2. Keshav Kumar Choudhary
 3. Rambriksha Choudhary
 4. Kishore Choudhary

All are sons of Late Mahavir Choudhary

5. Sundari Devi w/o Late Rajendra Prasad
6. Krishna Prasad
7. Ramjee Rai
8. Sheo Shankar Prasad
9. Rama Shankar Rai

All are sons of Raghuwansh Rai,

All are residents of village - Digha Ghat, Anchal + Block Patna Sadar, P.S. Digha,
District Patna

.... Petitioners

Versus

1. The Union of India through the Zonal Manager, East Central Railway, Hajipur at Vaishali
2. The State of Bihar
3. The Deputy Chief Engineer/Construction/Ganga Rail Pul, East Central Railway at Digha Ghat, Patna - 11
4. The Addl. Establishment Officer, East Central Railway Sonapur, District Saran
5. The Director/Secretary, East Central Railway Zone, Danapur
6. The Director/Secretary, Indian Railway at New Delhi
7. The Collector of Patna
8. The District Land Acquisition Officer, Patna
9. The Circle Officer, Patna Sadar, Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Ramakant Yadav, Advocate.
For the Railways : Mr. Ashok Kumar Keshari, Sr. Railway Counsel
Mr. Satyeshwar Prasad, Railway Counsel
For the State : Mr. Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioners, learned
counsel for the respondents and learned counsel for the Railways.

2. The present writ petition has been filed for “ *issuance of a writ of mandamus directing the concerned respondents to rehabilitate the petitioners by providing suitable site for construction of their residential houses, which have been demolished by the authorities for construction of Digha-Sonapur Railway bridge and also for a direction to the concerned respondents to provide employment in the* ”



Railway Department to at least one member of each family as promised to the petitioners by the Railway authorities. This writ petition is also being filed for issuance of a writ of mandamus directing the concerned respondents to pay compensation to them in accordance with the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, if so provided by law”.

3. At the very outset, learned counsel for the respondent- Railway raises a preliminary objection on the maintainability of the writ petition in view of the alternative remedies available to the petitioners for the reliefs sought herein. It is submitted that as regards the issue of rehabilitation is concerned, it appears that the petitioners have already approached the Senior Additional Collector, Patna Sadar, Patna with a representation dated 30.04.2013 (Annexure-3).

4. With regard to the claim for providing employment in the Railway Department, it is submitted that such claim can be considered by the Central Administrative Tribunal as held in C.W.J.C. No. 234 of 2014 (*Chini Thakur & Ors. vs. The Union of India & Ors.*).

5. As concerns the payment of compensation in accordance with the *Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013*, the petitioners have remedies before the Civil Court, Patna in L.A. No. 04/09, L.A. No. 06/09, L.A. No. 07/09, L.A. No. 08/09 and L.A. No. 09/09 which are already pending as stated in paragraph-8 of the writ petition itself.



6. Having regard to the nature of the prayer of the petitioners and the stand of learned counsel for the respondents, this Court is not inclined to interfere in the matter. The writ petition stands disposed of with the observation, however, that Senior Additional Collector, Patna Sadar, Patna shall consider and dispose of the representation of the petitioners dated 30.04.2013 (Annexure-3), if still pending, in accordance with law and after grant of opportunity of hearing to the petitioners, expeditiously and in any event preferably within three months from the date of receipt/production of a copy of this judgment. The petitioners shall also be at liberty to seek remedy before the appropriate forum with regard to their grievances relating to grant of employment in the Railway as well as for payment of appropriate compensation in view of the *Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013*.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.10.2017
Transmission Date	N.A.

