

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21246 of 2014

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1. Aasmuni Chaudhary, son of Late Jiu Narayan Chaudhary
2. Prabhawati Devi, W/o Aasmuni Chaudhary Both resident of village-
Awaiyon, P.S. - Shivsagar, District - Rohtas.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar Patna.
2. The Dedicated Freight Corridor Corporation of India Ltd. through its Chief Project Manager at Project Office, Shyama Kunj, Plot No. 122/1 DAFI (Varanasi- Mughalsarai Bypass) Naipura , P.S. - Lanka, District- Varanasi, Uttar Pradesh.
3. The Competent Authority-cum- the District Land Acquisition Officer, Rohtas, Sasaram.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Siddharth Harsh, Advocate
For the Resp. No. 2	:	Mr. A.K. Keshri, Advocate
For the State	:	Mr. Bishwa Bibhuti Kumar Singh AC to AG Bihar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-10-2017

The present writ petition has been filed for the following
reliefs-

- (a) For issuance of an appropriate writ/order/direction setting aside the order dated 11.03.2014 passed in Land Acquisition Case No. 37 of 2010-11 (Railway) by the Competent Authority-cum-District Land Acquisition Officer, Rohtas at Sasaram, whereby and whereunder the competent authority has negated the claim of the petitioners with respect to the land in question on *non est* ground.



- (b) For issuance of an appropriate writ/order/direction commanding the respondents to forthwith release the full award amount with respect to the land in question as per notice dated 31.05.2011 (Annexure-2) along with interest @ 18% per annum.
- (c) For grant of such other(s) relief, the petitioners would be found entitled to, on the facts and in the circumstances of the case.

2. Learned counsel for the petitioners makes a short submission to the effect that the impugned order dated 11.03.2014 (Annexure-5) has been passed by the Competent Authority under misconception by holding that the matter related to Khata No. 45 (clearly an error in place of Khata No. 95), Plot No. 67 was not related with the case and hence the Competent Authority has failed to consider the request of the petitioners for payment of balance amount relating to the said plot of land. It is pointed out that the notice under Section 20H of the Railways Act, 2008 dated 31.05.2011 (Annexure-2) itself shows that the amount of compensation had been determined at Rs. 22,99,758/- and related to Khata No. 95, Khesra No. 67 which was payable to the petitioners and out of which partial payment has already been made. The said notice also shows the case No. 37/2010-11 and hence the issue is very much related to the subject matter of the said case.



3. Learned counsel for the respondent Railway as well as learned counsel for the State appear and have been heard.

4. A perusal of the notice under Section 20H dated 31.05.2011 (Annexure-2) clearly discloses that the compensation relating to Khata No. 95, Khesra No. 67 was relatable to Case No. 37/2010-11. It is not a case where the petitioner is disputing the quantum of compensation determined, rather only payment of the balance amount of the compensation as determined is being sought. The Competent Authority clearly appears to have fallen into error in observing that the mater was not related with the case and has thus refused to consider the claim of the petitioner in terms of letters dated 05.03.2013 and 06.09.2013 on such erroneous premise.

5. In the above circumstances, the impugned order dated 11.03.2014 only to the extent that the claim for payment of the remaining amount of compensation with regard to Khata No. 95, Khesra No. 67 has been held to be not sustainable being not related with that case is hereby set aside. The Competent Authority is directed to consider the request of the petitioner in terms of the letters dated 05.03.2013 and 06.09.2013 with regard to payment of the balance amount of compensation as determined in respect of Khata No. 95, Khesra No. 67 which was the subject matter of L.A. Case No. 37/2010-11 and pass orders afresh and dispose of the same on its own merits in accordance with law expeditiously and preferably within a period of



two months from the date of receipt/production of a copy of this judgment.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.10.2017
Transmission Date	N.A.

