

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18961 of 2014

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1. Ritasi W/o Sri Parmanand Choudhary
2. Santosh S/o Sri Parmanand Choudhary Both R/o Baily Road Rukunpura, Bir
Basawan Singh Nagar, P.S. Rupaspur, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Patna.
3. Additional Collector, Patna.
4. S.D.O. Patna Sadar, Patna.
5. The Land Acquisition Officer, Patna.
6. Anchal Adhikari, Patna.
7. Railway Recruitment Board, Rail Bhawan, New Delhi - 1 through the Chairman.
8. Chief Engineer/ Con/ GB, E.C. Railway, Mahendrughat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman
For the State : Mr. Prabhu Narayan Sharma, AC to AG
For the Railway : Mr. Ashok Kumar Keshari, Sr. Advocate,
Ms. Kalpana,

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-02-2018

Heard learned counsel for the petitioner and learned
counsel for the State as well as Railway Administration.

With consent of the parties this case is being disposed of
finally.

In the present case, the petitioners have initially made a
prayer commanding the respondent authority not to acquire the
land bearing Plot No.105/755. appertaining to Khata No.158 of
Village Rukunpura, P.S. No.18, P.S. and District Patna over
which triple storied house is standing in which the petitioners



along with family are residing and also for a direction to the respondents to provide service to petitioner no.2 taking into account of his educational qualification as they have provided employment to similarly situated persons as their land had also been acquired with that undertaking.

For the construction of railway station the Railway Administration has sent the requisition to acquire the land for the aforesaid purposes and certain portion of the land of the petitioners came under acquisition and left out portion remained with the petitioners. As per petitioners they constructed building over left out portion of land whereas State and Railway Administration has taken a plea that left out portion remained 0.01 acre of land and later on during pendency of this writ petition fresh acquisition was made by the Railway Administration and in pursuance thereof the Land Acquisition Officer has acquired the land of Khata No.105/755 area is 0.01 Acre of land and for that Rs.46,53,412 has been offered for payment to the petitioners under Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Only the dispute has been left for consideration by this Court as per petitioners three storied house is standing over the



acquired land and every day the State authorities are going to demolish the same. If acquisition has been done validly then State authority is right in taking possession but if the house is standing then compensation must include the valuation of the house. It is not very clear from the award, whether it is amount of compensation of the land or includes valuation of the house also.

Learned counsel for the petitioner submits that if the house is demolished then there will no material left for assessment of the loss incurred by the petitioners. To that extent the petitioners are correct.

In such view of the matter, this Court directs the Collector to appoint notified valuer. He will visit the house of the petitioners and will make valuation of the house and he will submit the report to the Collector, Patna and Collector, Patna will be obliged to give notice to the petitioners about the valuation which would be submitted by the valuer and if the petitioners will have any objection about the quantum of the amount with respect to the land or valuation of the house, they will be at liberty to raise objection and Collector, Patna will be obliged to refer the matter to the competent authority for proper consideration as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013.

Mr. Ashok Kumar Keshari, learned counsel for the Railway Administration submits that for employment of one person the petitioners should approach before the Central Administrative Tribunal.

So far claim of the petitioners with respect to one employment, they are at liberty to make proper application before the Central Administrative Tribunal under Central Administrative Tribunal Act, 1985.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.2.2018
Transmission Date	NA

