

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14085 of 2018

=====

Suman Devi Wife of Late Shankar Ram, ohalla-Jalalpur Chulhaichak, P.S.
Rupaspur Danapur District-Patna.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The D.R.M., E.C.R. Ministry of Railway, Danapur, Patna.
3. The Chief Engineer, Construction, Ganga Bridge, East Central Railway, Digha Ghat, Patna.
4. The Senior Divisional Engineer/3, East Central Railway, Danapur, Patna.
5. The Dy. Chief Engineer, Construction, E.C.R., Digha Ghat, Patna.
6. The State of Bihar, Through the Principal Secretary, Revenue and Land Reforms, Department, Governme
7. The Disrict Magistrate-Cum-Collector, Patna.
8. The District Land Acquisition Officer, Patna.
9. The Officer-in-Charge, Rupaspur, POlice Station, Danapur, Patna.
10. The Religious Trust Board, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh
For the Respondent/s	:	Mr.Sajid Salim Khan-SC25
For the Railways	:	Dr. Anand Kumar

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-01-2019 Heard learned counsel for the parties.

The petitioner has a grievance that, without making payment of compensation amount, the respondents are bent upon acquiring the land belonging to her bearing khata no. 74, plot no. 660, Thana no.22, Mauza-Jalalpur for the purpose of construction of a railway bridge. The land has admittedly been acquired. The petitioner has a grievance that she has not been paid the compensation amount.

In my view, the petitioner has a remedy under Section



64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred to as 'the Act'), which she has admittedly not invoked by making an application before the Collector under the Act. So far as the petitioner's claim for allowing employment to her son in lieu of acquisition of the land under the Scheme of the Union Government is concerned, the same cannot be entertained in a proceeding directly taken under Article 226 of the Constitution of India, in view of the law laid down by the Supreme Court in the case of **L. Chandra Kumar Vs. Union of India and others**, reported in (1997) 3 SCC 261.

This writ application is accordingly disposed of with a liberty to the petitioner to approach the competent authority under Section 64 of the Act. It is indicated that if any question of delay in making application arises, the competent authority should consider the same liberally in favour of the petitioner.

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

