

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13319 of 2011

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1. KANISTHA KUMAR JHA and ORS S/O Late Bisheshwar Jha R/O Vill.-
Sujaipur, P.S.- Bounsi, Distt.- Banka
 2. Ajay Kumar S/O Dinesh Jha R/O Vill.- Sujaipur, P.S.- Bounsi, Distt.- Banka
 3. Chandan Kumar Thakur S/O Bipin Kumar Thakur R/O Vill.- Sujaipur, P.S.-
Bounsi, Distt.- Banka

... .. Petitioner/s

Versus

1. THE UNION OF INDIA and ORS
2. Railway Board, New Delhi Through Its Chairman
3. The General Manager, Eastern Railway, Kolkatta
4. The Chief Personnel Officer Construction Eastern Railway, Kolkatta
5. The Chief Engineer Construction Eastern Railway, Kolkatta
6. The D.R.M., Eastern Railway, Malda West Bengal
7. The Dy. Chief Engineer, Construction Eastern Railway, Bhagalpur
8. The State Of Bihar Through The Chief Secretary Government Of Bihar,
Patna
9. The District Magistrate, Banka
10. The District Land Acquisition Officer, Banka

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11643 of 2012

Shankar Jha Son Of Late Bisheshwar Jha Resident Of Village-
Mainwa/Sujaipur, Police Station- Bounsi, District- Banka

... .. Petitioner/s

Versus

1. The Union Of India and Ors New Delhi
2. Railway Board, New Delhi Through Its Chairman
3. The General Manager, Eastern Railway, Kolkata W.B.
4. The Chief Personal Officer, Eastern Railway, Kolkata West Bengal
5. The Chief Administration Officer Construction, Eastern Railway, Kolkata
West Bengal
6. The Chief Engineer Construction Eastern Railway, Malda West Bengal
7. The Divisional Rai Manager, Eastern Railway, Malda West Bengal
8. The Deputy Chief Engineer Construction Eastern Railway, Bhagalpur Bihar
9. The State Of Bihar Through The Chief Secretary, Bihar, Patna



10. The District Collector-Cum-Rehabilitation and Resettlement Administrator, Banka
11. The District Land Acquisition Officer, Banka

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 13319 of 2011)

For the Petitioner/s : Mr.Rajib Ranjan Jha, Advocate

For the Respondent/s : AC to G.P. 17

(In Civil Writ Jurisdiction Case No. 11643 of 2012)

For the Petitioner/s : Mr.Rajib Ranjan Jha

For the Respondent/s : Mr.AC to G.P.-17

For the Railway : Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-04-2019 Heard learned counsel for the petitioners and counsel
appearing on behalf of the State as well as Railway.

Learned counsel for the petitioners submits that petitioners have filed the present applications for quashing the order dated 23.6.2011 Passed by the respondent No.5 and also for issuing direction to the respondents to consider the case for appointment of the petitioners being the land of oustee.

Mr. Anil Singh, learned counsel appearing on behalf of the Railway admits that there exist a policy where railway considers the case for grant of appointment for the lands oustees whose lands are acquired for the purpose of use of railway. However, he further submits that there are rival claimants and as such railway has not decided the claim of the claimants under the scheme. He further submits that the scheme was formulated for those who are displaced, but petitioners do not figure within



the category of the displaced person and therefore they are not entitled to the benefit of the scheme.

Since, there is policy decision on behalf of the railway it would be appropriate that the railway may take decision as per their own policy decision contained in Boards Letter No. E (NG)II/82/RC-1/95 dated 1.1.1983, 9.6.83, 22.3.85 and 11.2.1998.

Considering the totality of the fact situation the Court deem it fit and proper that the railway shall take decision with regard to the claim of rival claimants for appointments of displaced person under the policy of the railway at the earliest preferably within a period of six months from the date of receipt/ production of a copy of this order.

With the aforesaid both the writ applications stands disposed of the decision dated 26.3.2011 mentioned above of the Railway shall not come in the way of Fresh decision by the Railway.

(Anil Kumar Upadhyay, J)

T.Kr./-

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