

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11354 of 2017

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Pushpa Rani, wife of Sri Rajesh Kumar, residing at Shanti
Sadan, Shanti Marg, Mithapur, P.S.- Jakkanpur, Town &
District- Patna. **-----Petitioner.**

Versus

1. The State of Bihar through the Chief Secretary,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and
Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Daniwan, District - Patna.

----- Respondents.

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-with-

Civil Writ Jurisdiction Case No. 19255 of 2015

~~Rajeev~~
Rajasee Kumar Sinha son of Late Rambir Kumar Singh, ~~son~~ resident of village-
Top, P.S. Sahajanpur, District – Patna.

-----Petitioner

-Versus-

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The District Magistrate cum. Collector, Patna District - Patna.
4. The District Land Acquisition Officer, Patna.



3. The Circle Officer, Patna, District - Patna
4. The General Manager, East Central Railway, Hajipur, District - Vaishali
5. The Chief Administrative Officer, Construction, Mahendru Ghat, Patna
6. The Chief Engineer, Construction, Neora, Daniyawan, Badi Railway Line, Mahendru Ghat, Patna.
7. The Deputy Chief Engineer, Construction, Neora Daniyawan, Badi Railway Line, Mahendru Ghat, Patna.

.....Respondents

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-with-

Civil Writ Jurisdiction Case No. 19711 of 2015

Rabindra Kumar Sinha @ Rabindra Kumar Singh son of Late Ramashish Singh, resident of village Sakin Sri Pulgar, P.S. Pongpur, District - Patna.

.....Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Patna District - Patna.
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Phulwari, Patna, District - Patna.
6. The General Manager, East Central Railway, Hajipur, District - Vaishali.
7. The Chief Administrative Officer, Construction, Mahendru Ghat, Patna
8. The Chief Engineer, Construction, Neora, Daniyawan, Badi Railway Line, Mahendru Ghat, Patna.
9. The Deputy Chief Engineer, Construction, Neora Daniyawan, Badi Railway Line, Mahendru Ghat, Patna.

.....Respondents



-with-
Civil Writ Jurisdiction Case No. 11510 of 2017

Sonu Kumar Son of Sri Amar Thakur, resident of village-
Sanhauli, P.S.- Khagaria, District- Khagaria.

-----**Petitioner.**

Versus

1. The State of Bihar.
2. The Collector cum District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Daniyawati, District- Patna.
6. The Union of India through General Manager, East Central Railway, Danapur.
7. The Divisional Rail Manager, East Central Railway, Danapur.
8. The Chief Personal Officer, East Central Railway Danapur.
9. The Chief Administrative Officer Construction, East Central, Patna, Mahendra Ghat, Patna.
10. The Chief Engineer, Construction Neora-Daniyawati Broad Gauge Railway Line Mahendraghat, Patna.
11. The Deputy Chief Engineer, Neora Daniyawati, Broad Gauge Railway Line, Mahendra Ghat, Patna.
12. The Rail Vikash Nigam Limited having its office at A-21, Anisabad, Police Colony, Police Station Gardambag Town and District- Patna, (through its Chief Project Manager.
13. The Chief Project Manager, Rail Vikash Nigam Limited having its office at A-21, Anisabad, Police Colony, Police Station Gardambag Town and District- Patna.

-----**Respondents.**



-with-

Civil Writ Jurisdiction Case No. 11854 of 2017

Smt. Aparna wife of **Sri Alok Kumar**, resident of village:
Kulihawan, P.B. Haseyara, District Aurangabad.

-----Petitioner,

-Versus-

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Daniyawar, District- Patna.
6. The Union of India through General Manager, East Central Railway, Danapur.
7. The Divisional Rail Manager, East Central Railway, Danapur.
8. The Chief Personal Officer, East Central Railway Hazipur.
9. The Chief Administrative Officer Construction, East Central, Patna, Mahendra Ghat, Patna.
10. The Chief Engineer, Construction Naxos-Daniyawar Broad Gauge Railway Line Mahendraghat, Patna.
11. The Deputy Chief Engineer, Naxos Daniyawar, Broad Gauge Railway Line, Mahendra Ghat, Patna.
12. The Rail Vikas Nigam Limited having its office at A-21, Anisabad, Police Colony, Police Station Gandanibag Town and District Patna, through its Chief Project Manager.
13. The Chief Project Manager, Rail Vikas Nigam Limited having its office at A 21, Anisabad, Police Colony, Police Station Gandanibag Town and District- Patna.

Respondents.

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For Union of India : Dr. K.N. Singh, A.S.G.
Mr. Kumar Priya Ranjan, CGC
For the Railways : Mr. Anshuman Singh, Advocate
For the State : Mr. Majid Mahboob Khan, A.C. to AAG12
For the RVNL : Mr. M.P. Dixit, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 19-05-2021

On 4th of March, 2021, in the lead matter i.e. **CWJC**

No. 8225 of 2016, titled as **Jai Kishore Singh Vs. The State**

of Bihar & Ors., we had passed the following order:-

“Petitioner has prayed for the following relief(s):-

“For issuance of writ in the nature of mandamus or any other appropriate writ or writs, direction or directions commanding the respondent to initiate a fresh proceeding under the



provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as Act, 2013”) as amended up to date with regard to acquisition of Land in village-Madarichak, Thana No. 94 P.S.-Fathuah, P.O-Top, District-Patna for the construction of Neora, Daniyawa Badi Railway Line as the previous land acquisition case No. 1 of 2007-08 has lapsed in view of Section 24 of the 2013 Act because although the petitioner’s land was acquired under L.A. Case No. 1 of 2007-08 but neither any notice was issued to the petitioner nor any compensation amount was paid to the petitioner nor the possession of the land was taken by the Railway and the land in question is continuing in cultivating possession of the petitioner and more than 5 years have lapsed when the new Act, 2013 has come into force on 26.09.2013 and for grant of any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.

After the matter was heard for some time, learned counsel for the petitioner seeks



permission to withdraw this petition reserving liberty to file a fresh petition on the same and subsequent cause of action.

Permission granted.

Present petition stands disposed of as withdrawn.

We clarify that as and when such petition is filed, the same shall be tagged and heard along with CWJC No. 11354 of 2017, titled as **Pushpa Rani Vs. The State of Bihar**.

It stands clarified that the record of this petition shall be tagged along with CWJC No. 11354 of 2017, titled as PushpaRani Vs. The State of Bihar, unless the same is tagged with other cases.”

We see no reason as to why these petitions be not disposed of in terms of the very same order, for not only the material placed is deficient in nature, but is also dependent upon the outcome of the result in **Jai Kishore Singh** (supra).

Ordered accordingly.

We dispose of these petitions making the directions issued in **Jai Kishore Singh** (supra) applicable *mutatis mutandis*, to the extent applicable. As and when any fresh petitions are filed by the petitioners, the same shall be listed on priority basis.



The writ petitions stand disposed of in the above terms.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.05.2021
Transmission Date	

