

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21213 of 2014

Nirmal Kumar Singh son of Late Jagdish Prasad Singh Vihwal, Resident of village and Post- Tuniyahi, Police Station District- Madhepura. Presently residing at Baush Vihar Colony, Phase -II, Panchwanti Durga Mandir, Bhagwat Nagar, Patna-26. Petitioner/s

Versus

1. The Union of India through the Chief Secretary, Govt. of India, New Delhi.
2. The Principal Secretary, Railway Ministry, Govt. of India, Rail Bhawan, New Delhi.
3. The Deputy Chief Engineer Construction Head Quarter East Middle Railway, Hazipur.
4. The Chief Administrative Officer construction Office, East Central Railway Mahendru Ghat, Patna -1
5. The Deputy Chief Administrative Officer, Madhepura.
6. The District Magistrate, Madhepura.
7. The District Land Acquisition Officer, Madhepura.
8. The State of Bihar through the Secretary, Department of Revenue, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushik, Adv.
For the Railway	:	Mr.Devendra Kumar Sinha, Sr. Adv
		Mr. Ramadhar Shekhar, ASC, Railway
For the State	:	Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

18 28-01-2021 Heard Mr. Kumar Kaushik, learned counsel for the petitioner, Mr. Devendra Kumar Sinha, learned senior counsel for the Indian Railway and Mr. Pawan Kumar, learned AC to AG on I.A. No.04 of 2021.

2. I.A. No.04 of 2021 is filed for substitution of the legal heirs of the sole petitioner, namely, Nirmal Kumar Singh, who died during the pendency of this writ petition.

3. Having considered the fact, I.A. No.04 of 2021 is allowed. Let the name of sole petitioner, namely, Nirmal Kumar Singh be expunged and the name of his legal heirs be



substituted in place of the sole petitioner (deceased).

4. Learned counsel for the petitioner confined his prayer for grant of compensation and the interest on the principal amount of compensation for acquisition of land and other compensation as provided under sub-section (3) of Section 30 of the Land Acquisition Act, 2013.

5. Mr. Devendra Kumar Sinha, learned senior counsel for the Indian Railway, submits that the Railway has already paid the entire amount of compensation for acquisition of land in the account of the State of Bihar. The amount of compensation for acquisition of land with interest thereon and other compensation as provided under sub-section (3) of Section 30 of the Land Acquisition Act shall be paid by the Collector, Madhepura, who is a land acquisition officer.

6. Mr. Pawan Kumar, learned counsel for the State submits that the State has already formulated a policy decision for payment of compensation as provided under the Railway Act for acquisition of the land. It is also pointed out that Section 30 of the Land Acquisition Act is not applicable for acquisition of the land for the purpose of Indian Railway but by a Notification no.1834 dated 28.08.2015 issued under the signature of Additional Secretary, Ministry of Rural Development, the



provision with regard to compensation of land and exemption has been removed. It is also made clear that the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall be applicable for acquisition of land intended to be acquired by NHAI or Indian Railway. The Indian Railway has already issued a notification with regard to application of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and, therefore, the contention that the provision of the Land Acquisition Act is not applicable is unfounded.

7. Having considered the facts aforesaid, I dispose of the writ petition with a direction to the Collector, Madhepura to assess the amount of interest and other compensation as provided under sub-Section (3) of Section 30 of the Land Acquisition Act and make payment to the petitioner within three months from the date of this order.

8. With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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