

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1000 of 2023

1. Saurabh Sonu Son of Late Raj Kishore Yadav Resident of Village- Maidhiya, P.S.- Triveniganj, District- Supaul.
2. Shishir Kumar, Son of Deep Narayan Prasad Yadav Resident of Village- Bishanpur, P.O.- Hardi, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, Arariya Supaul New Rail Line Pariyojana, East Central Railway, Samastipur Division, District- Samastipur, Bihar.
2. The General Manager, Arariya Supaul New Rail Line Pariyojana, East Central Railway, Samastipur Division, District- Samastipur, Bihar.
3. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
4. The Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
5. The Secretary, Land Acquisition and Land Reforms Department, Government of Bihar, Patna.
6. The District Magistrate,- cum- Land Acquisition Officer, Supaul.
7. The Land Acquisition Officer, Supaul.
8. The Circle Officer, Triveniganj, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Kumar Singh, Advocate
For the State	:	Mr. Md. Khurship Alam, AAG-12
For the UOI	:	Mr. Tuhin Shankar, CGC

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-07-2023

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Railway.

2. The present writ petition has been filed for directing the respondent authorities to pay appropriate compensation to petitioner no.1 in respect of his land situated in

Khata No.97 and Khesra No. 2130 at Mauja- Latauna, P. S. No. 273 and for petitioner no.2 bearing same land for measuring 0.8 dismal and 0.22 dismal respectively.

3. Learned counsel for the petitioners submits that the said land has been acquired under emergent provision as published in newspaper on 02.03.2022 for the purpose of construction of railway. Counsel further submits that offer has been made vide Record No. 25 of 2022 (Annexure-2) by which 80% compensation amount was offered to accept. Counsel further submits that it was lower price, therefore, petitioners have filed objection alongwith online rent receipt as well as the other documents but thereafter nothing have and hence, the petitioners have filed the present writ petition for payment of their compensation at the enhance rate.

4. Learned counsel for the State submits that the land acquisition has been made under the Railway Act read with RFCTLARRA, 2013. Counsel further submits that according to Railways Act, 1989 under Section 20F the Divisional Commissioner has been appointed as Arbitrator in respect of acquisition of railway and therefore, according to him the petitioners ought to move before the Divisional Commissioner as an Arbitration Case or the petitioners ought to move before

the Collector so that their matter may be referred before the Arbitrator who is Divisional Commissioner.

5. In this background, the present writ petition is disposed off directing the petitioners that they shall file a fresh representation/application before the District Magistrate, Supaul within 30 days from today, who shall make reference to the case of the petitioners before the Arbitrator-cum-Divisional Commissioner to hear the matter relating to petitioners within four weeks thereafter.

6. Delay, if any, in filing the application may condone.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	