

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4596 of 2018

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Ram Sanehi Sharma @ Ram Sanehi Singh Son of Late Sakaldeep Singh,
Resident of Village- Dharampur Simuara, P.S. Kurtha, District- Arwal.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Railways, New Delhi.
2. The Secretary, Ministry of Railways, Rail Bhawan, Central Delhi, New Delhi.
3. The Zonal Manager, East Central Railways, Hazipur.
4. The D.R.M. (Engg.), East Central Railways, Mugal Sarai.
5. The District Magistrate, Gaya.
6. The District Magistrate, Aurangabad.
7. The District Land Acquisition Officer, Gaya.
8. The District Land Acquisition Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14.
For the UOI	:	Mr. Praveen Kumar Sinha, Senior Panel Counsel.
	:	Smt. Shail Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-07-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Union of India.

2. The present writ petition has been filed seeking
direction to the respondents to provide hearing to the petitioner
and verify the documents (which are more than 78 years old),
honour the documents and initiate proper land acquisition
process with respect to petitioner's land.

3. Learned counsel for the petitioner submits that in
the year 1936-37 the Railways decided to sale away its excess



land standing over north and south of Existing Grand Cord Line connecting to Kolkata and Delhi. For the said purpose, the Railway Danapur Division prepared maps from Mugal Sarai-Gaya Section demarcating excessive lands which the Railways proposed to sale/ relinquish to the prospective purchaser for every Kilometer of Railway track and prepared separate lot. The petitioner is one of the person who have purchased the said excessive land by public auction. Learned counsel for the petitioner admits that the actual nature of the land was Kaisar-e-Hind Land in the revenue records but the said land by virtue of registered deed is coming in the possession of petitioner since 1939 onward from the date when the said deed was executed which is annexed as Annexure-1 series to the writ petition. He also submits that during expansion of the Railway track the said land was taken by the Railway and neither any compensation nor any notice for the said land has been given and without following the process of law his land was taken.

4. Learned counsel for the Railways submits that the said land is Kaisar-e-Hind Land which is of the Union and subsequently of the Railway as per the records of the Government, therefore, no question of initiation of any acquisition process arises.



5. Learned counsel for the State also creates doubt that as per the revenue records available in the State of Bihar, the said land is Kaisar-e-Hind Land which is of Union/Railway.

6. But the registered deed which has been created by the Collector in the year 1939 in favour of the petitioner for the land situated from the northern and southern side of the track are there in Annexure-1 series of the writ petition.

7. In this view of the matter, this Court is not passing any order on merit and instead thereof, the petitioner is directed to file representation before the Collector of the District and the Collector of the District upon verifying the records shall pass reasoned and speaking order about the genuineness of registered deed executed in the year 1939 that really it has been executed in favour of petitioner on behalf of Railway or not and this exercise shall be done by the Collector within eight months from the date of representation filed by the petitioner. If it has been found that the said land is genuinely been executed in favour of the petitioner, then in that case, the petitioner shall be at liberty to represent himself before Railways and the State Government towards the claim for which he has filed the writ petition.

8. With this direction and observation, the present



Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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