

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3038 of 2023

1. Anita Devi W/o Late Bajrangi Tiwari R/o Village-Itahara, near Utkramit Middle School, Ward no.7, PO and PS Araria, District-Araria, PIn Code-854311 (Bihar)
2. Gopal Prasad Chaurasia S/o Shri Ram Jee Prasad R/o Village-Itahara, near Utkramit Middle School, Ward no.7, PO and PS Araria, District-Araria, PIn Code-854311 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Chief Secretary to the Government of Bihar, Patna.
3. The Principal Secreary to the Government of Bihar, Department of Revenue and Land Reforms, Old Secretariat Building, Patna.
4. The District Magistrate, Araria.
5. The District Land Acquisition Officer, Araria.
6. The DCLR, Araria.
7. The Circle Officer, Araria.
8. The Union of India through the General Manager, North Frontier railway, Maligaon, Gauhati (Assam).
9. The Divisional Railway Manager (DRm), NF Railway Division, Katihar.
10. The Chief Engineer, Construction, Araria Galgalia New railway Line Construction, NF Railway, Katihar.
11. The Deputy Chief Engineer, Construction, NF Railway, Katihar.
12. The Divisional Engineer (Genral), NF Railway, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Ballabha Sharma, Adv.
	:	Mr. Munish Om Prakash Singh, Adv.
For the UOI	:	Mr. Awadhesh Kumar Pandey, Adv.
	:	Mr. Alok Kumar, CGC.
	:	Mr. Lokesh, Adv.
For the State	:	Mr. Rishi Raj Sinha, SC-19.
	:	Mr. Saurabh Kumar, AC to SC-19.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioners, 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 make payment of compensation and admissible interest payable to the petitioners for acquisition of their lands vide gazette notification dated 05.11.2018 and declaration dated 05.11.2018 issued by the District Land Acquisition Officer, Araria.

3. Learned counsel for the petitioners submits that the petitioners have purchased the land appertaining to Revenue P.S. No.199, Khata No.201, Plot No.639 notified area 0.11 decimal, in which share of petitioner no.1 is 0.4 decimal/200 kadi and petitioner no.2 is 0.4 decimal. The petitioners are claiming the lands by virtue of sale deed in their favour which was executed in the year 2007. He further submits that the said land was acquired in the year 2018 for the construction of railway line. He also submits that the other relatives of petitioners' vendor have been granted compensation amount, but petitioners have not been granted the same even after filing their representations before the District Land Acquisition Officer, Araria for the payment of compensation amount with regard to acquisition of their lands.

4. Learned counsel for the State submits that counter affidavit has been filed in this case and in the counter the stand



taken by the State is that the said land is the Government land and the revenue karmchari without any order of higher authority had issued rent receipt up to the year 2019-20 by creating new Jamabandi No.889 (k) and recommended for issuance of L.P.C. thereafter L.P.C. has also been issued in the name of the petitioner.

5. In response, learned counsel for the petitioners submits that upon purchase of the land, rent receipt were issued to the petitioners, as such, they have right to receive the compensation.

6. In this background and also in the light of the different circulars prepared by the Government with regard to settlement of lands, the respondent-District Land Acquisition Officer, Araria is directed to pass a reasoned and speaking order on the representations filed by the petitioner nos.1 & 2 both within six weeks from the date of production of the order.

7. If it has been found that petitioners are entitled for compensation, then the compensation amount should be paid to them within 60 days but if it has been found that petitioners are not entitled for receiving of compensation then in that case, the petitioners shall be at liberty to take further legal recourse available in law.



8. With this observation, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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