

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5530 of 2023

1. Yogeshwar Yadav Son of Late Dukhi Yadav, Resident of Village- Flat No. 103, AMM Colony, Saket Vihar, Anishabad, M.M. Enclave Gardanibagh Patna- 800001. Permanent Address- Jadia, District- Supaul, Bihar, 852214.
2. Birendra Yadav Son of Kusum Lal Yadav, Resident of Village- Ward No. 14 Jadia, District- Supaul, Bihar 852214.
3. Nagendra Yadav S/o Kusum Lal Yadav, Resident of Village- Ward No. 14 Jadia, District- Supaul, Bihar 852214.
4. Md. Sagir S/o Md. Washil, Phulkaha Resident of Village- Jadia, District- Supaul, Bihar 852214.
5. Mohammad Naeem S/o Late Md. Rahaman, Resident of Village- Ward No. 14 Jadia, District- Supaul, Bihar 852214.
6. Ugrasen Kumar @ Ugrasen Yadav S/o Nand Kishore Prasad Yadav, Resident of Village- Jadia, District- Supaul, Bihar 852214.
7. Dipanarayan Yadav S/o Chhutaharu Yadav, Resident of Village- Jadia, Phulkaha, District- Supaul, Bihar 852214.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department Old Secretariat, Patna.
2. The Commissioner Koshi Pramandal, Saharsa.
3. The District Magistrate, Supaul.
4. The Land Acquisition Rehabilitation and Resettlement Officer, Supaul.
5. Circle Officer, Triveniganj, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv.
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

2. Counsel for the petitioners submits that the
petitioners are extremely poor persons whose lands were
acquired for construction of Supaul - Araria New Railway Line

Project and notice in this regard has been served to the petitioners which has been annexed Annexure-1 series.

3. Counsel further submits that the price of the land has been fixed at lower value whereas in the locality, the market price of the said land are higher. With a view to proof the same, petitioners have annexed Annexure-7 series i.e., the papers of registered sale deed showing the higher price.

4. Counsel for the State submits that the acquisition of the land of the petitioners has been made for the said railway project and it has been guided under Chapter IV- A of the Railways Act, 1989. Counsel further submits that the name of some of the petitioners are also not matching in the notice issued, but in any view of the matter, statutory rights are available to the petitioners under Section 20-D of the Railways Act, 1989 (24 of 1989) under which hearing of objection has to be made within the period of 30 days from the date of publication of notification under Section 20-A(1) of the Railways Act, 1989. The further remedy is available after the declaration of acquisition of land and on the point of determination of amount payable as compensation, the petitioners may raise their individual claims under Section 20-F(6) of the Railways Act, 1989, either before the competent

authority or filing an application before the Arbitrator.

5. In this background, this writ petition is hereby allowed directing the petitioners to file their individual applications with all their relevant documents to be determined by the Arbitrator which has to be appointed by the Central Government who is Divisional Commissioner, Kosi Division, Saharsa, shall decide the claim of the petitioners within 9 months from the date of filing of such applications before him.

6. With this direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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