

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7746 of 2015

Abdus Shakoor Alam Son of Late Abdul Majid, resident of Village-
Manoharpur, P.S.- Manihari, District- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director Land Acquisition Bihar, Patna.
3. The Divisional Commissioner, Purnea Division Purnea.
4. The Collector Katihar.
5. The District Land Acquisition officer Katihar.
6. The Additional Collector Katihar.
7. The General Manager North East Frontier Railway Maligaon, Gowhati.
8. The Divisional Railway Manager N.F. Railway Katihar.
9. The Divisional Engineer-II, N.F. Railway Katihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, MK Jha, I. Kumar, Advocates
For the Respondent/s	:	Mr. AB Sinha, GA 8
		Mr. S Kumar, AC to GA 8
		Mr AB Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 24-11-2023 Heard learned counsel for the parties.

2. Petitioner has prayed for a direction to the respondent Railways authorities to relinquish 1.18 acres of land mentioned in paragraph 1 of the writ petition, to the petitioner as the same is surplus to the requirement of the railways. Total 18 acres of land of the petitioner had been acquired and compensation was paid to him along with other land holders vide LA Case No. 24-41/64-65, 66 and 67.

3. Supplementary counter affidavit has been filed by



respondent nos. 4 to 6. In paragraph 5 of the supplementary counter affidavit, it is averred that the railway authorities have communicated the State authorities that there is no proposal or decision for relinquishment of surplus land of the petitioner as the said land is likely to be utilized in doubling of railway line between Katihar to Tejnaranayanpur connecting rail line from Manihari to Sahibganj and related expansion programme of the Mahiyarpur Railway Station. A copy of communication is contained in annexure R4-5/B to the counter affidavit.

4. From perusal of the records, it is crystal clear that the process of acquisition has already been completed, petitioner has also received the compensation and the land has also been vested with the Government. It is settled law that the acquired land vests with the Government free from all encumbrances. Even if the land is not used for the purpose for which it is acquired, the landowner does not get any right to ask for reversing the land in him and to ask for restitution of the possession. After the award is passed, no writ petition can be filed challenging the acquisition noticed or against any proceeding thereunder. In this regard, reference can be made to the decision in case of **Dayal Singh Vs. Union of India, (2003)2 SCC 593(604)** and **C.Padma Vs. DY. Secy. To the**



Govt. of T.N., (1997)2 SCC 627.

5. In view of these pronouncements of law, I do not find any merit in the writ petition. It is accordingly dismissed.

(Prabhat Kumar Singh, J)

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