

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8444 of 2023

1. Gopal Prasad @ Gopal Prasad Chaurasiya, Son of Sri Ramji Prasad, Resident of Mohalla- Itahara near Upgraded Middle School, Ward No.7, P.O. and P.S.- Araria, District- Araria.
2. Kamleshwari Prasad Chaudhary, Son of Late Motilal Chaudhary, Resident of Mohalla- Itahara, Ward No. 7 Near Araria Court Railway Station, P.O and P.S- Araria, District- Araria.
3. Vivekanand Yadav, Son of Satyanarayan Yadav, Resident of Mohalla- Itahara, Ward No.7, P.O. and P.S.- Araria, District- Araria.
4. Vidyanand Bishwash, Son of Late Chamanlal Bishwash, Near Araria, Railway Court Station, Itahara, Ward No.13, Araria, P.O. and District- Araria.
5. Dharam Lal Das, Son of Govind Sah, Resident of Village- Itahara, Ward No.13, Araria, P.O. and District- Araria.
6. Mahaveer Vishwash, Son of Late Doman Lal Vishwas, Resident of Village- Itahara, Ward No.13, Araria-, P.O. and District- Araria.
7. Bindeshwari Paswan, Son of Late Langara Paswan, Resident of Village- Itahara, Ward No.13, Araria, . P.O. and District- Araria.
8. Suresh Kumar Sah, Son of Fedusah, Resident of Mohalla- Near Araria Court Railway Station, Ward No.7, Araria, P.O. and P.S.- Araria, District- Araria.
9. Binod Kumar Pandey, Son of Bholanath Pandey, Resident of Mohalla- Ashram Marg, Ward No.10, Araria, P.O., P.S. and District- Araria.
10. Belal Ahmad, Son of Md. Asfaque, Resident of Mohalla- Ward no.13 Near Rahmani Masjid Azad Nagar Road, P.S.- Araria, District- Araria.
11. Md. Aamir Lari, Son of Md. Shamshad Alam, Resident of Ward No.27 Islam Nagar, P.S. and P.o.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Araria.
3. The Additional Collector, Araria.
4. The Deputy collector Land Reforms, Araria.
5. The District Land Acquisition Officer, Araria.
6. The Circle Officer, Araria.
7. The General manager North Frontier, Railway Maligaon, Guwahati.
8. Divisional Rail Manager (D.R.M.), Katihar Rail Division, Katihar.
9. The Chief Engineer, Araria to Supaul, Major Rail Line Construction, North Frontier Railway, Katihar.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Munish Om Prakash Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC19)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-09-2023

Heard learned counsel for the petitioners and the respondent.

2. Counsel for the petitioners submits that the petitioners' land has been acquired for the construction of the rail line but without paying a single penny to them, however, the petitioners are ready to accept the said amount with objection. He further submits that the petitioners want to file an application to get the compensation amount enhanced as the said fixation is not in accordance with the law. He further submits that the District Land Acquisition Officer is rigid not to release the compensation amount with objection in favour of the petitioners.

3. Learned counsel for the State submits that under the law, the person whose land is subject to acquisition, is entitled to receive the amount with objection and is also entitled to raise the claim before the competent authority under the law for enhancement of compensation.

4. In this background, this writ petition is disposed of directing the District Land Acquisition Officer concerned to



release the calculated amount of compensation in favour of the petitioners, if they want to receive the said amount with objection within four weeks from the date of production of a copy of this order.

5. The petitioners would be at liberty to raise their claim for enhancing the compensation before the competent authority under the law. Since the matter is related to the acquisition of land for the construction of the rail line under Section 20F of the Railways Act, 1989, the petitioners are entitled to file an application before the Arbitrator for enhancement of their claim. Upon the filing of such application under Section 20F of the Railways Act, 1989, the competent authority shall decide the case of the petitioners within a reasonable period.

6. This writ petition is disposed of with the direction and liberty aforesaid.

7. In the light of the relief granted in the writ petition, Interlocutory Application No. 1 of 2023 stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	14/09/2023
Uploading Date	NA
Transmission Date	NA

