

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14279 of 2014

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1. Kishan Mazdoor Kalyan Sangh, Bela through its Secretary Sri Birendra Prasad Singh, son of Late Ramayan Singh R/o Vill. - Hariharpur, P.S. - Dariapur, Distt. - Saran.
 2. Sri Rajendra Prasad Sinha, President S/o Late Ranjit Singh R/o Vill. Musahri P.S. Dariapur, Distt. Saran

... .. Petitioner/s

Versus

1. The Honble Railway Minister, Ministry of Railway Govt. of India, Rail Bhawan, New Delhi
2. The Chief Secretary, Govt. of India, Civil Secretariat, New Delhi.
3. The Secretary, Govt. of India, Ministry of Railway, Rail Bhawan, New Delhi.
4. The State of Bihar through the Chief Secretary Govt. of Bihar, Old Secretariat, Patna.
5. The Chief Engineer, Railway Deptt. Railway Pariyojna, Nirman Bhawan, 4th Floor, North Gandhi Maidan, Patna
6. The Commissioner, Saran Division, Chapra Bihar.
7. The District Magistrate, Saran Chapra, Bihar.
8. The District Land Acquisition Officer, Saran Chapra, Bihar.
9. The Divisional Rail Manager, Sonapur, Saran Chapra, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent (UOI):		Mr. Ram Tujabh Singh, Advocate
		Mr. Radhika Raman, Advocate
		Mr. Awadhesh Kumar Pandey, Advocate
For the State	:	Mr. Manish Kumar, A.C. to AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 03-07-2023 When the matter was called out for hearing, there was

 none appearing for the petitioner.

The writ petition itself is filed as a public interest



litigation seeking for issuance of a writ of mandamus commanding the respondents to consider the case of large number of affected persons whose lands have been acquired and to provide employment to them or to their legal heirs or dependents whose agricultural lands have been acquired for the construction of Railway Projects/Railway Wheel Factory, Bela, Dariapur, District Saran. It is also stated that huge tracts of land were acquired under the provisions of the Land Acquisition Act between the year 2005-2010 and that many persons who have lost such lands are remaining unemployed. The petitioner also seeks for implementation of Annexure-9, a communication issued by the Government of India.

Annexure-9 is a communication issued by the Ministry of Railways which is dated 16.07.2010. It speaks of consideration of applications for employment from land losers on account of acquisition of land, for the projects of Railways and there is also a screening criteria provided therein. In fact there is not even one instance stated in the memorandum when such an application was made and the same was declined by the Railways. There is also no dispute raised as to no compensation having been given to the land owners and in fact the counter affidavit filed on behalf of the respondent nos.7 and 8, the



District administration, which was dated 26.09.2015 specifically states that though 80% of the award amount were given, the balance remains to be given. In the totality of the circumstances, it is for the Railways to decide whether they should call for applications in cases of acquisitions of land made which decision also would be regulated by various factors as to whether the land losers have lost their employment opportunities by way of such acquisition made and there is an impediment caused to their livelihood. There is no such pleading made herein nor are the facts with respect to the land losers made mention of. It is also pertinent that none of the land losers have made any application before the Railway Authorities for securing employment to themselves or to their legal heirs.

Considering the totality of the circumstances, we are of the opinion that nothing of merit arise in the writ petition and the writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

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