

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16769 of 2022

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1. Prashant Kumar S/o Late Satya Narayan singh, Resident of Village- Barej, P.O.- Belaundi, P.S.- Mohania, District- Kaimur.
 2. Awadhesh Kumar Srivastavi, Son of Laxmi Narayan Srivastava, Resident of Ward No. 06, Holding No. 69, Kali Sthan, G.T. Road, Nagar, Panchayat Mohania, P.S.- Mohania, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna.
2. The Chief Project Manager, Dedicated Freight Corridor Corporation of India Limited, Varanasi.
3. The Arbitrator cum Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate District- Kaimur at Bhabua.
5. The Competent Authority cum District Land Acquisition Officer, District- Kaimur at Bhabua.
6. The Circle Officer, Mohania, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate
For respondent no.2	:	Mr. Ahok Kumar Keshari, Sr. Panel Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 28-04-2023 1. Heard learned counsel for the petitioners, learned senior panel counsel for the Dedicated Freight Corridor Corporation of India Limited and learned counsel for the State.
2. The petitioners have filed the instant application for the following relief(s):

“That this is an application for issuance of writ in the nature of Mandamus or any other writ of writs, direction or directions to the Respondents, the competent authority cum District Land



Acquisition Officer of Kaimur Direct to prepare an "Award" in view of the order dated 22.08.2015 passed by the Arbitrator-cum- Divisional Commissioner, Patna and as well as for issuance to the Respondent to pay the enhanced amount of the award along with reasonable compensation and compound interest thereof."

3. It is the contention of learned counsel appearing for the petitioners that acquisition notice was published for acquisition of the land in question in the year 2009. Subsequently on the District Land Acquisition Officer, Kaimur declaring the land in question as residential and passing award to that effect, on the same being objected to, the Arbitrator by his order dated 19.5.2012 was pleased to declare the land in question as agricultural land and award accordingly was prepared. Subsequently the Arbitrator-cum-Divisional Commissioner, Patna affirmed the award dated 17.5.2011 by his order dated 22.8.2015.

4. Learned counsel for the petitioners submits that the prayer made in the instant application was for directing the competent authority-cum-D.L.A.O., Kaimur to prepare an award in view of the order dated 22.8.2015 passed by the Arbitrator-cum-Divisional Commissioner, Patna. However, subsequently on the request of the DFCCIL, to the State



Government, the land of the petitioners was denotified. As such, it is submitted that the instant writ application may be disposed of with the directions in similar terms as the order dated 24.3.2023 passed in CWJC no.15734 of 2018 (Bindeshwari Singh and Ors. vs. The State of Bihar and Ors.).

5. Mr. Ashok Kumar Keshri, learned senior panel counsel for the DFCCIL submits that as per instructions received, on account of the land owners not giving physical possession of the land, they have not received the amount and as a result, the DFCCIL changed the alignment and completed the work. As such, the management of the DFCCIL decided and requested the State Government to denotify the land in question. Learned counsel agrees that the facts of the case being similar, the application can be disposed of in similar terms as in the case of Bindeshwari Singh (supra).

6. Having heard learned counsel for the parties and taking into consideration the facts of the case and the submissions made by both learned counsel for the petitioners and learned counsel for the DFCCIL, this writ application is disposed of in similar terms as in the case of Bindeshwari Singh (supra).

7. Without going into the merits of the claim of the



parties, this writ application is disposed of giving liberty to the petitioners to file an application/petition before the Collector, Kaimur at Bhabua for his remaining grievances including payment of rent, damages etc. which shall be considered by the Collector, Kaimur at Bhabua (respondent no.4) in accordance with law in light of section 20C of the Railways Act, 1989 within a period of three months from the date of its filing and if amount is found payable, the same shall be paid to the petitioners within a further period of three months of passing of the order.

8. This writ application stands disposed of.

(Partha Sarthy, J)

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