

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2055 of 2024

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1. Arun Kumar Son of Ramdeo Prasad Resident of Village- Jiwdhara, P.S.- Pipra Kothi, District- East Champaran, PIN- 845429
 2. Shiv Yogi Ray Son of Dhyan Ray Resident of Village Kishunpur, P.O.- Jiwdhara, P.S.- Pipra Kothi, District- East Champaran, 845429
 3. Shambhu Rai Son of Deonarayan Rai Resident of Village and P.O.- Chandrahiya, Via Jiwdhara, P.S.- Pipra Kothi, District- East Champaran, 845429
 4. Kishundeo Rai Son of Deonarayan Rai Resident of Village and P.O.- Chandrahiya, Via Jiwdhara, P.S.- Pipra Kothi, District- East Champaran, 845429

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Railways, Rail Bhawan, New Delhi- 110001.
2. The General Manager, East Central Railways, Hajipur
3. The Divisional Railway Manager, Samastipur Division, Samastipur.
4. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur-cum-Land Acquisition Rehavilitation and Resettlement Authority
6. The Collector-cum-District Magistrate, East Champaran at Motihari.
7. The Collector Under the Act cum District Land Acquisition Officer, East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mayanand Jha, Sr. Advocate Mr.Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Ansh Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2024 Heard Mr. Arvind Kumar, learned counsel appearing
on behalf of the petitioners and learned Government Pleader No.



6 for the State.

2. The present writ petition has been preferred for the following reliefs:-

(i) for setting aside Award 11 Nos. 1, 6, 8, and 11 pertaining to Land Acquisition Case No. 05/2022-23 in Mauza Kishunpur, Thana No. 182, Anchal Pipra Kothi, District East Champaran (Annexure 5) as communicated vide Notice dated 24.8.2023 (Annexure P/6) issued by the Collector under the Act -cum District Land Acquisition Officer, East Champaran, Motihari whereby a very low amount of compensation has been awarded to the petitioners calculating rate of compensation at a much lower rate than the prevailing market rate and that too, in different lower category of land;

(ii) for directing the Respondents to calculate the amount of land to be acquired at the prevailing market rate as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Act No. 30 of 2013) on the basis of valuation of the land shown in sale deeds in the recent past;

(iii) for directing the Respondents to calculate the rate of land being acquired



(in Thana No.182) in proper category i.e. in the category of Road side residential / residential (Wasgit) land as per report of the Anchal Adhikari in the year 2013 in their respective category at par with the rate fixed for the neighbouring plots in Jiwdhara Mauza (in Thana No. 183);

(iv) for directing the Respondent authorities to re- fix the amount of compensation and revise the award in Motihari L.A. Case No.5/2022-23 with respect to the land of the petitioners and make payment of the same along with solatium and interest as per the 2013 Act.

3. It has been pointed out by the learned counsel for the Railways that an award has been prepared which has been brought on record by the petitioner vide Annexure P/5 to the writ petition. The same has been procured under the Right to Information Act. It is memo 1210 dated 09.11.2023.

4. Learned counsel for the petitioner submits that against the said award, he made a representation on 04.10.2023 which is pending.

5. Learned counsel for the Railways submits that once the award has been prepared, the natural recourse available to the aggrieved person is not to prefer representation before the



Collector but to approach the Land Acquisition, Rehabilitation and Resettlement Authority (LAARA).

6. If the petitioners move before the Land Acquisition, Rehabilitation and Resettlement Authority (LAARA) within a period of four weeks from today, the said authority shall be taken up the matter after noticing each and every parties dispose of the same, preferably within a period of six months from the date, the petition is preferred before the authority.

7. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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