

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4535 of 2021

Abdul Rouf Son of Hamidur Rahman resident of Village Bansbari P.S. Thakurganj, At present resident of 278/B, Punjab Line, Railway Colony Ghaziabad, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Department, Government of Bihar, Patna.
2. The Collector-cum- Land Acquisition Officer Kishanganj.
3. The Deputy Collector, Land Reforms Kishanganj.
4. The Circle Officer, Thakurganj, District Kishanganj.
5. The Sr. Divisional Finance Manager, North Frontier Railway, Katihar Division, Katihar.
6. The General Manager, North Frontier, Railway Malegaon, Gauhati, Assam.
7. The DRM., Katihar Division, North Frontier Railway, Katihar, Bihar.
8. The Dy. Construction Engineer, N.F.R., Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Firoz Ahmad, Advocate
For the Respondent/s	:	Mr.Birendra Prasad Singh, AC to SC-9 Mr. Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 14-05-2024 Heard the parties.

2. The present writ petition has been preferred:

for a direction to the respondent authorities to pay the compensation to the petitioner since the Railway Track of New B. G. line Araria to Galgalia is passing through the land of the petitioner appertaining to MauzaKanakpurKhata no. 914,Khesra no. 4933 area 55 Decimals which has been acquired vide land Acquisition case no.



74/2015-16.

3. A counter affidavit has been filed on behalf of the railways is on record after serving a copy to the learned counsel for the petitioner and paragraph 3(1) read as follows:-

“(i) For directing the Respondent authorities to give the compensation for the land measuring 55 decimals from the Khata no.-914 Khesra no-4933 under Mauza-Kankpur; Distt-Kishanganj which has been acquired vide L.A Case No-74/2015-16 for construction of Araria- Galgalia New B.G Railway Line as the petitioner has not been given a any amount towards compensation;

However, it is stated and submitted that the petitioner claims to have re-purchased the land by registered sale deed (Anneuxre-2) which his father has already sold it to third persons. In spite of this fact the notice of compensation has been issued by the respondent no-2 in the name of his father which caused prejudice to the petitioner because in this circumstance his other brothers and sisters will be entitled for their part of share in the compensation. However the petitioner has chosen a wrong forum by giving representation before the respondent no-2 by letter dt.11-02-2019



(Annexure-4) whereas the alternative remedies provided under section 63 of the RFCTLAR&R Act 2013 is before the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) or the Collector for deciding the title of the land and entitlement of compensation, and as such the present writ application is pre-mature and fit to be dismissed.

4. Granting such liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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