

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4465 of 2020**

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1. Aasmuni Chaudhary son of Late Jiu Narayan Chaudhary resident of Village- Auraiyan, P.S.- Shivsagar, District- Rohtas.
2. Prabhawati Devi W/o Aasmuni Chaudhary resident of Village- Auraiyan, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Dedicated Freight Corridor Corporation of India Ltd. through its Chief Project Manager at Project Office, Shyama Kunj, Plot No. 122/1 DAFI (Varansi- Mughalsarai Bypass) Naipura, P.S.- Lanka, District- Varansi, Uttar Pradesh.
3. The Competent Authority-cum- The District Land Acquisition Officer, Rohtas, Sasaram.
4. Ram Dular Tiwary S/o Late Vishwanath Tiwary R/o Village- Auraiyan, P.S.- Shivanagar, Distt- Rohtas.
5. Prabhat Ranjan Kishore Tripathi S/o Late Kunal Kishore Tripathi R/o Village- Auraiyan, P.S.- Shivanagar, Distt- Rohtas.
6. Vimal Kishore Tripathi S/o Late Kameshwar Tiwary R/o Village- Auraiyan, P.S.- Shivanagar, Distt- Rohtas.
7. Raman Kishore Tripathi S/o Late Kameshwar Tiwary R/o Village- Auraiyan, P.S.- Shivanagar, Distt- Rohtas.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Siddharth Harsh, Advocate            |
| For the State        | : | Mr. Rishi Raj Sinha (SC-19)              |
|                      |   | Mr. Saurabh Kumar, AC to SC-19           |
| For the Res. No. 2   | : | Mr. Ashok Kumar Keshari, Senior Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      13-02-2024                      Heard Mr. Siddharth Harsh, learned counsel for the petitioners and Mr. Ashok Kumar Keshari, learned Senior Counsel representing the respondent no. 2 as also Mr. Saurabh Kumar, learned counsel for the State.

2. The present petition has been preferred for the



following reliefs:

*(i) for issuance of an appropriate writ/order/ direction setting aside the order dated 14.06.2018 passed in Land Acquisition Case No.37 of 2010-11 (Railway) by the Competent Authority-cum-District Land Acquisition Officer, Rohtas at Sasaram, where-under and whereby the competent authority has negated the claim of the petitioners with respect to the land in question on nonest ground exceeding his jurisdiction;*

*(ii) for issuance of an appropriate writ/order/ direction commanding the Respondents to forthwith release the full award amount with respect to the land in question as per notice dated 31.05.11, alongwith interest @ 18% per annum;*

*(iii) for issuance of an appropriate writ/order/ direction commanding the Respondents to forthwith give employment to one member of the petitioners family as per the provision of the National Rehabilitation and Resettlement Policy, 2007 as has been provided under section 20-O of the Railway Act, 1989.*

3. The contention of the learned counsel for the petitioners is that in the year 1995, they had purchased a piece of land from the newly added respondents, Ram Dular Tiwary,



Prabhat Ranjan Kishore, Vimal Kishore Tripathi, Raman Kishore Tripathi and also came in its physical possession. Subsequently, the said land as also the other land of the petitioners were acquired by the Competent Authority-cum-District Land Acquisition Officer for the purpose of construction of Eastern Dedicated Freight Corridor.

4. It is his contention that an award of Rs. 22,99,758/-. However, they were paid only Rs. 10,82,488/-. So far as the rest of the amount of Rs. 12,17,270/- is concerned, on the objection of the newly added respondents, accepting their ownership on the land, it was disbursed the same to them.

5. The petitioner earlier moved this Court in CWJC No. 21246 of 2014 for setting aside the order dated 11.03.2014 in Land Acquisition Case No. 37 of 2010-2011/Railway by which his claim was negated.

6. The matter was taken up on 10.10.2017 by a Bench of this Court and an order was passed to decide the objection of the petitioner afresh after setting aside the order dated 11.03.2014 (Annexure-6 to the writ petition).

7. He submits that subsequently, the matter was taken up by the Competent Authority-cum-District Land Acquisition Officer, Rohtas, Sasaram and vide an order dated 14.06.2018,



the claim was once again rejected holding that the newly added respondents had made a claim for payment of compensation and the DCLR, Sasaram, Rohtas in its order dated 07.09.2012 in Land Dispute Case No. 29 of 2012-13 had passed an order in their favour. The order further state that the amount has already been disbursed to all the claimants including the newly added respondents.

8. Learned counsel for the petitioner submits that once the award process was completed, the Competent Authority had no right to change the course and make payment of Rs. 12,17,270/- to the newly added respondents. He submits that the same is in the teeth of the Railways Act, 1989 (henceforth for short, 'the Act') and fit to be set aside.

9. Mr. Ashok Kumar Keshari representing the Railways, at the outset, submits that the writ is not maintainable as the petitioners have to go before the competent Civil Court for adjudicating the title of the land before making claim of the compensation that has been awarded to the respondent nos. 4-7.

10. He has further taken this Court to Section 20-H of 'the Act' which relates to deposit and payment of amount with specific reference to Clause 4 which reads as follows:

*(4) If any dispute arises as to the apportionment of the amount or any part thereof or*



*to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.*

11. He as such submits that it has been clearly specified in 'the Act' that where there is a dispute, the matter has to be decided by the civil court of original jurisdiction.

12. He has further taken this Court to section 20-N which states that the Land Acquisition Act, 1894 shall not apply to an acquisition under 'the Railways Act'. He thus submits that if the petitioner has a case relating to the land for which payments have been made to the respondent nos. 4 to 7, they should approach the civil court and an order passed by that Court will be binding on all the respondents. He as such prays for dismissal of the writ petition.

13. Having gone through the facts of the case, materials on record and after hearing all the parties, this Court is convinced that the order passed on 14.06.2018 by the Competent Authority-cum-District Land Acquisition Officer, Rohtas, Sasaram after the same was remitted back by the Patna High Court is just a proper and no interference is required.

14. Section 20-H Clause 4 clearly stipulates that in case of any dispute, the aggrieved party has to move before the



competent civil court for an appropriate order. Further, Section 20-N of 'the Act' stipulates that the Land Acquisition Act, 1894 shall not apply in the acquisition proceeding of the Railway.

15. The petitioners are well advised to take recourse to Section 20-H Clause 4 of 'the Act', if they so want. So far as the writ jurisdiction is concerned, no relief can be extended to them.

16. Any observation made however shall not have any bearing if the petitioners approach before competent court for the redressal of their grievance.

17. The writ petition stands dismissed.

**(Rajiv Roy, J)**

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