

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5537 of 2023

1. Awdhesh Singh son of Shivpujan Singh, resident of Village- Dharmagatpur, (Garchi), P.S.- Chausa, District- Buxar.
2. Sarbjit Yadav @ Sarvjit Singh, son of Shivpujan Singh, resident of Village- Dharmagatpur, (Garchi), P.S.- Chausa, District- Buxar.
3. Shivpujan Singh, son of Dharmdeo Singh, resident of Village- Dharmagatpur, (Garchi), P.S.- Chausa, District- Buxar.
4. Bindu Devi, wife of Lal Saheb Singh, resident of Village- Hasanpur (Kathgharawa), P.S.- Chausa, District- Buxar.
5. Meera Devi, wife of Ram Prakash Singh, residing at House No. 370/B, Ashok Nagar, Road No. 04, At and P.S.- Argora, Dt. Ranchi, Jharkhand.
6. Shanti Devi, wife of Jang Bahadur Singh, resident of Village- Kathgharawa, P.S.- Chausa, District- Buxar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The Chief Land Acquisition and R. and R., STPL, Buxar.
3. The Collector cum the District Magistrate, Buxar.
4. The District Land Acquisition Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh, Adv.
For the Respondent/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-04-2024 Heard learned counsel for the petitioners as also the
counsel for the Railways.

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

*“(i) For issuance of a writ in the
nature of Certiorari for quashing of the
Declaration published on 22-10-2021 (Anx.-*



4) issued under the signature of the respondent no. 4 by which under Section 19 (1) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, the declaration has been issued acquiring the land of the petitioners for Rail Corridor etc. for Buxar Thermal Power Station.

(ii) For issuance of an appropriate writ for quashing of the Notices issued on different dates to the petitioner nos. 1 to 3 separately (Anx.- 6 series) under Section 37(2) of the Act for the Compensation etc. for the land/s of the petitioners.

(iii) For issuance of an appropriate writ directing and commanding the respondents to pay the petitioners the amount of compensation according to market rate by treating the land of the petitioners as Commercial in nature with 100% soletium and interest.

(iv) For issuance of an appropriate



writ for a declaration or restraining the respondents not to take possession of the land/s of the petitioners unless and until the amount of compensation at market rate treating the land/s of the petitioners of Commercial in nature with 100% of soletium and interest as provided under the Act, 2013 is not paid to the petitioners.”

3. Learned counsel appearing on behalf of the petitioners submit that despite the notices dated 15.12.2022 issued by the respondent no. 3, the Collector-cum-District Magistrate, Buxar to them in Land Acquisition cases no. 14/2022, 19/2022, 20/2022 the payment has not been made. However, upon query, they have failed to provide any document to show that pursuant to the said notice.

4. They even approached the Collector, Buxar along with relevant documents. On the last occasion, 28.08.2023 a co-ordinate Bench of this Court had directed the State to file counter affidavit fixing the next date of hearing as 10.10.2023.

5. Six months later, today on call, learned State counsel submits that though a letter was sent to the concerned authority vide letter no. 18300 dated 30.08.2023, no statement



of fact was received and as such an affidavit could not be filed.

6. Though, another adjournment can be made with a cost against the Collector, Buxar as also the District Land Acquisition Officer, Buxar who despite receipt of the letter of the State Counsel dated 30.08.2023 have chosen to look the other way, in view of the limited prayer of the petitioner, it would be appropriate that they approach the concerned respondent Collector, Buxar in a period of four weeks from today along with all the relevant documents.

7. If they approach within four weeks along with relevant documents the Collector, Buxar shall be duty bound to take the Land Acquisition cases no. 14/2022, 19/2022, 20/2022 within a period of six months from the day they approach. If the decision is taken in their favour, the benefits accruing out of said decision has to flow at an earliest.

8. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

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