

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1339 of 2016

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1. Kapildeo Singh Son of late Harihar sibngh Resident of Village- Guraru, P.S.- Guraru, and District Gaya.
 2. Ramashish Prasad, son of late Rakshya Mahto Resident of Village- Bhawalpur, P.S.- Guraru and District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna (Bihar).
2. The District Magistrate, Gaya.
3. The Additional Collector, Gaya.
4. The Competent Authority Cum District Land Acquisition Officer, Gaya.
5. The General Manager, East Central Zone, Hajipur, Bihar.
6. The Deputy Regional Manager, Mugal Sarai Division Under East Central Zone, Hajipur, Bihar.
7. The Chief Project Manager, Dedicated Freight Corridor Corporation of India Ltd. Mughar Sarai Division, Under East Central Zone, Hajipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
For the State	:	Mr. Ram Balak Mahto
For the Respondent No.7:	:	Mr. Ashok Kumar Keshari, Advocate
For the Railways	:	Mr. Alok Kumar Jha, CGC

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-02-2024

Interlocutory Application

An interlocutory application has been filed for substitution of petitioner No. 1 who died on 26.07.2019 during the pendency of this case, leaving behind his legal heirs/representatives, mentioned in paragraph 4 of the interlocutory application which is said to have been filed in CWJC No. 1339 of 2016 on 30.01.2024.

2. Considering the averments made in the interlocutory application, the same is allowed and name of the



present petitioner No. 1 is substituted with his legal heirs/representatives, as mentioned in paragraph No. 4 of the interlocutory application, as petitioners in CWJC No. 1339 of 2016.

CWJC No. 1339 of 2016

3. Heard learned counsel for the parties.

4. This writ application has been filed for quashing the entire proceeding of acquisition on the ground that the award under Section 20(F) of the Railways Act, 1989 under Chapter-IV(A) Land acquisition for a special Railway project has been made after lapse of 1 year from the publication of acquisition under Section 20(E) i.e. under Section 20(E) publication of acquisition is of 6.9.2013 and 5.10.2013 and 20(F) is of 16.12.2014 which is in contravention of the mandatory requirement.

5. Learned counsel for the Respondent No. 7 raises preliminary objection regarding maintainability of the case to the effect that an alternative statutory remedy is available to the petitioners under **Section 20H (4) of the Railways Act, 1989** which reads as:

***“Section 20H. Deposit and payment
of amount***

(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.”

6. Learned counsel for the petitioners does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioners to approach the competent authority.

7. In view of the aforesaid submission, let the petitioners file afresh application before the competent authority in accordance with law for adjudication of the matter, within a period of four weeks from the date of receipt of this order.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

9. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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