

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19220 of 2015

- 1.1. Sunil Kumar Son of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.2. Dharmendar Kumar Son of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.3. Sanjeev Kumar Son of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.4. Manish Kumar Son of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.5. Indu Rai Daughter of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.6. Manju Lal Daughter of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
- 1.7. Neelam Kumari Daughter of Late Deonandan Mahto @ Deonandan Singh, Resident of Village- Barun, P.S. and Block- Barun, District- Aurangabad.
2. Santosh Kumar Sinha, Son of Late Jagdish Prasad, Resident of Village - Karma, P.s. - Narari Kala Khurd, District - Aurangabad.
3. Jahir Ahsan Azad, Son of Mustafa Ahmad, Resident of Mohalla - Nawadih, P.S. and District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Aurangabad.
3. The Additional Collector, Aurangabad.
4. The D.C.L.R. Aurangabad.
5. The Circle Officer, Barun, District - Aurangabad.
6. The District Land Acquisition Officer, Aurangabad.
7. The General Manager, E.C. Railway, Hajipur.
8. D.R.M., E.C. Railway, Mughalsarai Division.
9. The Eastern Dedicated Freight Corridor, Corporation of India Ltd.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Asha Verma, Advocate Mr. Amarendra Kumar Singh, Advocate Ms. Alka Singh, Advocate Ms. Kumari Chandna, Advocate
For the Respondent No. 9	:	Mr. Ashok Kumar Keshri, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

7 11-03-2024 Heard learned counsel for the petitioners as also the State and the learned Senior Counsel appearing on behalf of the Eastern Dedicated Freight Corridor, Corporation of India Ltd.

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

(i) not to interfere with the right, title and possession of the petitioners over the lands save and except in accordance with law;

(ii) further for a direction to the respondents to pass an acquisition-cum-compensation order in accordance with their own orders/ requirements as circulated through daily news paper;

(iii) further for a direction to the respondents to act in accordance with law in regard to the land.

3. Learned counsel for the petitioners submit that in view of the counter affidavit filed by the respondent no. 9, especially paragraph 4, the petitioners deem it appropriate to move before the Arbitrator in this regard.

4. The paragraph 4 of said counter affidavit read as follows:

“4. That at the very outset it is most humbly prayed that the present writ



petition as framed is not maintainable before this Honorable Court, in its extraordinary writ jurisdiction on the following grounds:-

a. That primarily title and possession of any land cannot be adjudicated under article 226 and 227 of the Constitution of India and as such writ petition is fit to be dismissed.

b. Secondly, if the petitioners have any grievance with regard to award made under section 20(F) of the Railway Act 1989 then the only option available to them, is to move before the Arbitrator to be appointed by the Central Government in such a manner as may be prescribed.

c. That it is relevant to mention here that the Central Government had notified Commissioner of the Division as the Arbitrator under aforesaid sub-section (6) of section 20F of the Railway Act. 1989.

d. That, in the view of aforesaid statutory alternate remedy prescribed under this act itself, the instant writ petition is not maintainable.

e. That the provision mentioned in sub clause (6) of section 20(F) of the Railway Act 1989, is as follow:-

*"If the amount
determined by the
competent authority*



under sub-section (i) is not acceptable to either of the parties, be determined by the Arbitrator to be appointed by Central Govt. in such a manner as may be prescribed."

f. That in this regard it is further submitted as per sub-section (7) of section 20(F) of the Railway Act 1989, if any party is aggrieved by the award of the Arbitrator, then he has to move before the District Civil Court under section 34 of Arbitration and Conciliation Act. 1996."

5. The State as also the respondent no. 9 has no objection to it.

6. The writ petition stands disposed of granting liberty to the petitioners in view of the statement made by respondent no. 9 in paragraph 4 of the counter affidavit.

(Rajiv Roy, J)

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