

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7659 of 2023

Sunil Singh S/o Late Prithvee Singh Resident of village - Nakain R Pithanua,
P.S- Barun, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt of Revenue and Land Reform, Govt. of Bihar, Patna.
2. The Commissioner Magadh Division, Gaya.
3. The District Magistrate Cum collector Aurangabad.
4. The Competent Authority cum District Land Acquisition Officer Aurangabad, Bihar.
5. The Union of India through The Ministry of Railway, Govt. of India, New Delhi.
6. The Circle Officer Circle- Barun, Distt- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vyas Kumar Mishra
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc 25)
		U.O.I.
		Mr. Rajesh Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 08-04-2024

Heard the parties.

2. The present petition has been preferred for:

2. Issuance of mandamus commanding and directing upon the concerned respondents particularly respondent no.4 to pay the compensation to the petitioner by following due procedure under the Indian Railway Act, 2008 particularly under Section 20 of the Act with all statutory interest provided under the Act.

3. It is the case of the petitioner that some part of the land which was sold to Vidya Devi wife of Sunil Singh, award were wrongly prepared in her name which amount



should actually have gone to his bank account.

4. At the outset, learned counsel appearing on behalf of the petitioner submits that taking into account 20H(4) of the Railways Act, 1989, he shall be preferring appropriate petition before appropriate authority within four weeks from today.

5. 20H of the Railways Act, 1989 read as follows:-

***20-H.** Deposit and payment of amount.-(1) The amount determined under section 20-F shall be deposited by the Central Government, in such manner as may be prescribed by that by that Government, with the competent authority before taking possession of the land.*

(2) As soon as may be after the amount has been deposited under sub- section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(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.

(5) Where the amount determined under section 20-



F by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 20-I till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections(2) to (4) shall apply to such deposit.

6. In view of fair submission made by Mr. Anirudh Kumar Verma duly assisted by Mr. Vyas Kumar Mishra, learned counsels appearing on behalf of the petitioner, this writ petition is disposed of granting liberty to the petitioner to move before appropriate authority within four weeks.

7. If such a petition is filed within four weeks, the same shall be taken to its logical conclusion after hearing all the concerned parties and on putting them on notice preferably within a period of one year from today.

(Rajiv Roy, J)

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