

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12425 of 2019

1. Vishnu Dev Prasad Aarya Son of Late Ram Ji Aarya, Resident of Village- Parso Bigha, P.S.- Barbigha, District- Sheikhpura.
2. Sudama Devi Wife of Late Ramjanam Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
3. Sunil Kumar Jha Son of Late Vageshwari Jha Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
4. Pawan Kumar Jha Son of Aaditya Narayan Jha, Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
5. Krishna nandan Jha Son of Aaditya narayan Jha Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
6. Shrawan Kumar Jha Son of Aaditya Narayan Jha Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
7. Maheshwar Singh Son of Late Jago Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
8. Vimal Singh Son of Late Kameshwar Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
9. Shayam Lal Thakur, Son of Late Ram Ji Thakur, Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
10. Surendra Sharma Son of Late Dwarika Sharma Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
11. Vijay Kumar Sharma Son of Late Vrijan Sharma Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
12. Most Ram Rekha Devi Wife of Late Ram Vrisha Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
13. Vrijnandan Singh Son of Late Badi Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
14. Ramnandan Singh Son of Late Ram Swarup Singh, Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
15. Nageshwar Singh Son of Late Barho Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
16. Anant Singh Son of Late lakhan Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
17. Renu Devi Daughter of Late Jai Ram Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
18. Anmola Devi Daughter of Late Jai Ram Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
19. Guddi Devi Daughter of Late Jai Ram Singh Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.
20. Vipin Singh @ Bannu Singh, Son of Late lakhan Singh, Resident of Village- Sherpar, P.S.- Barbigha, District- Sheikhpura.



21. Mani Singh Son of Late Kameshwar Singh Resident of Village- Sherpar, P.S.- Barbiga, District- Sheikhpura.
22. Bhagirath Singh Son of Late Yugal Singh Resident of Village- Sherpar, P.S.- Barbiga, District- Sheikhpura.
23. Ram Lakhan Jha Son of Late Dinanath Jha, Resident of Village- Sherpar, P.S.- Barbiga, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Sheikhpura.
3. The Additional Collector, Sheikhpura.
4. The District Land Acquisition Officer, Sheikhpura.
5. The Circle Officer, Barbiga, Sheikhpura.
6. The Union of India Through the General Manager, East - Central Railway, Danapur.
7. The Divisional Railway Manager, East - Central Railway.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate Mr. Himanshu Kumar Akela, Advocate
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP-18
For the Railway	:	Mrs. Radhika Raman, Sr. CGC Mr. Ram Tujabh Singh, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-05-2024 Heard Mr. Kumar Kaushik, learned counsel appearing on behalf of the petitioners, the State as also learned counsel appearing on behalf of the Railways.

2. The present writ petition has been preferred for the grant of following relief/s:-

*“i. For issuance of an order, direction
or a writ of mandamus for directing the*



respondent authorities to make payment of the award in relation to the acquisition of their landed property situated at Mauza-Narayanpur, Chadar No. 1 Pargana Maldah, Thana No. 62, District- Sheikhpura for construction of Daniyawa- Barbigha-Sheikhpura Railway Line after revising it in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which provides for determination of compensation in accordance with the aforesaid Act where no award was prepared on the date of commencement of the Act, although the Land Acquisition Proceeding had been initiated under the 1894 Act.

ii. For issuance of an order, direction or an appropriate writ for directing the respondent authorities to prepare the award by treating the reference date for determination of market value of the landed property as on 01.01.2004 instead of the



year 2007 in view of the provisions contained in Section 24 (1) (a) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as well as the decision of the Central Government as contained in letter/ communication dated 26.10.2015.”

3. The petitioners (twenty three in numbers), instead of separately making out their respective cases, jointly submitted that they have land in different Khatas/Khesras situated at Mauja- Narayanpur, Chadar No. 1 Pargana Maldah, Thana No. 62 in the District of Sheikhpura which was taken for the construction of Daniyawa- Barbigha- Sheikhpura Railway line invoking urgency clause under Section 17(4) of the Land Acquisition Act, 1894.

4. Learned counsel for the petitioners submit that in view of the urgency clause, though possession was taken, payments eluded them. This, despite the fact that the award was prepared on 30.11.2015. It is his submission that until award was prepared on 30.11.2015, neither the possession was taken nor payments offered and in that background, the decision of



learned Single Judge in a case of **Ranjit Kumar and Ors. Vs The State of Bihar and Ors. (CWJC No. 3860 of 2015)** decided on **10.04.2019** becomes relevant. He submits that the land owners in that case also were of the same place as would manifest from paragraph 8 of the order. He has taken this Court to paragraph 43 onwards to support his case.

5. It is his further submission that a coordinate Bench subsequently also followed the said order in a case of **Birendra Kumar and Ors. Vs The State of Bihar and Ors. (CWJC No. 12795 of 2019)** and **Janardan Pathak and Ors. Vs The State of Bihar and Ors. (CWJC No. 21796 of 2019)**. Learned counsel submits that in that background, the petitioners, if individually approaches the concerned authorities, similar benefit need to be extended to them if the respondents are satisfied with the documents submitted.

6. There is a counter-affidavit on behalf of the State (respondent Nos. 2 to 5). The important paragraph which deals with the order of the coordinate Bench in the case of **Ranjit Kumar and Ors. (supra)** stands incorporated in paragraph-20 and 23 of the writ petition. In the aforesaid counter-affidavit paragraph-14 deals with the paragraphs-22 and 23 and read as follows:-



“14. That, with regard to Para 22 to 24 of the present writ application it is respectfully stated and submitted that the petitioner has relied on the order dated 10.04.2019 passed by this Hon'ble Court in C.W.J.C. No. 3860 of 2015 Ranjit Kumar and Others Versus The State of Bihar and Others and the petitioner is demanding to redress his grievance on the similar of the aforesaid Case. This matter is under the adjudication by this Hon'ble Court which require no further comments on the part of the respondents. The respondent authorities are ready to comply the order passed by this Hon'ble Court after adjudication of the present Case.”

7. However, learned State counsel submits that the petitioners in **Ranjit Kumar and Ors. (supra)** immediately approached the Court, interim protection was granted, they were not dispossessed, in that background, the order was passed.

8. The further submission is that these petitioners were waiting in the wings and only after an order came to be



passed by Patna High Court, they started flocking to the Court and in that background, they are not entitled to the relief.

9. The Railways has also filed its counter-affidavit duly put on affidavit by Executive Engineer/CM-1/Rajgir, East Central Railway and so far as the order passed in **Ranjit Kumar and Ors.** (supra) case is concerned, it is the stand of the Railways that this relates to the State and they are in a better position to comment on it. The contention of the Railways stand incorporated in paragraph-9, which reads as follows:-

“9. That it is humbly submitted that the payment is being distributed by the State Authority to the displaced persons and Railway has to transfer the amount as and when demanded by the State. In the present case, State Authority has demanded requisite amount on various occasions which were transferred to the State Authority through Demand Draft to facilitate them to distribute the compensation to the displaced persons. The Respondent Railway has already transferred the amount to the State on regular interval which is as under:



Sl. No.	Amount	Cheque No.
1	Rs. 4,25,00,000/-	251953 dt 11.04.2007
2	Rs. 9,00,00,000/-	509939 dt. 28.01.2008
3	Rs. 5,47,17,219/-	649019 dt. 29.01.2016
4	Rs. 11,00,00,000/-	649288 dt. 14.03.2016
5	Rs. 7,06,63,047/-	360152 dt. 16.02.2017
	Rs. 36,78,80,266/-	

10. Having gone through the facts of the case, the documents on record as also the submissions put forward by the parties, the picture that emerges is/are:-

(i). the land owners of Mauja-Narayanpur, Chadar No. 1, Pargana Maldah, Thana No. 62 in the District of Sheikhpura had to give up their respective lands for the construction of Daniyawa- Barbigha-Sheikhpura Railway Line;

(ii) aggrieved by the decisions taken regarding compensation, though some of the affected persons immediately invoked the writ jurisdiction by filing **CWJC No. 3860 of 2015 [Ranjit Kumar and Ors. (supra)]**, the petitioners delayed in coming to the Court.

(iii) however, the facts of **Ranjit Kumar**



and Ors. (supra) as also that of the petitioners herein are no different and which can easily be reflected in the counter-affidavit filed on behalf of the State where they have not rebutted it.

(iv) a detailed order was passed in the case of **Ranjit Kumar and Ors.** (supra) and paragraph-43 read as follows:-

“43. In view of the discussion as above, the alternative prayer of the petitioners is allowed. They are accordingly held to be entitled for determination of award by treating 01.01.2014 as the date of notification under Section 11 of the L.A. Act, 2013, and the market value of the land acquired as on 01.01.2014 shall be accordingly the basis for computation of the amount of compensation.”

11. Subsequently, **Janardan Pathak and Ors.** (supra) and **Birendra Kumar and Ors.** (supra) also approached this Court in the year 2019 and a coordinate Bench of this Court taking into account the case of **Ranjit Kumar and others**



(supra) disposed of the writ petition with following directions:-

“Having considered the facts and after considering the order passed by this Court in C.W.J.C. No. 3860 of 2015 on 10.04.2019, I dispose of this writ petition with a direction to the petitioners to file a detailed petition before the Land Acquisition Authority raising objection with regard to the preparation of award on the basis of the valuation of the land prevailing on the date of issuance of notification for acquisition of land and not on the basis of valuation of the land existing on 01.01.2014 although the award has been prepared under Section 37 of the Land Acquisition Act, 2013 and the Authority shall refer the matter before the appropriate authority constituted under Section 51 of the Act. The Land Acquisition Authority shall refer the matter to the Authority constituted under the Act within one month from the date of filing of such objection by the petitioner and thereafter the



authority shall dispose of the case of the petitioners within six months from the date of such reference.”

12. In view of the fact that in the year 2019, a coordinate Bench took decisions, these petitioners have also approached in the same year, the delay in filing the writ petition has to be ignored and the same accordingly is disposed of following the order passed by the coordinate Bench in the case of **Janardan Pathak and Ors.** (supra).

13. Learned counsel for the petitioners reiterate that they will be preferring separate petitions alongwith supporting documents.

14. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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