

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15879 of 2023

1. Dr. Abhishek Kumar Singh @ Hariom Kumar Son of Ram Kumar Mukul Resident of village- Diwan Tola, Barbanna, P.O.-Merygani, P.S.- Raniganj, District- Araria at present Residing at of Mehndiganj, P.S.-Menhdiganj, P.O.- Patna City, Patna.
2. Ram Kumar Mukul @ Ram Kumar Singh, Son of Late Upendra Narayan Singh Resident of village- Diwan Tola, Barbanna, P.O.-Merygani, P.S.- Raniganj, District- Araria at present Residing at of Mehndiganj, P.S.- Menhdiganj, P.O.- Patna City, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Bihar, Patna.
3. The District Magistrate-cum-Collector, Araria.
4. The Additional Collector, Revenue, Araria.
5. The Land Acquisition Officer, Araria, District- Araria.
6. The Deputy Collector, Land Reforms, Araria.
7. The Circle Officer, Raniganj, Araria.
8. The General Manager, East Central Railway, Hajipur.
9. Gopi Krishna Shyam, Son of late Upendra Narayan Singh Resident of village- Diwan Tola, Barbanna, P.O.- Merygani, P.S.-Raniganj, District- Araria- 854334.
10. Deepika Devi, Wife of Gopi Krishna Shyam Resident of village- Diwan Tola, Barbanna, P.O.- Merygani, P.S.-Raniganj, District- Araria- 854334.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
For the Respondent/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-02-2024 Heard learned counsel for the petitioners
and the State.

2. This writ application has been filed for the



following reliefs :

(i) For issuance of appropriate writ for directing the Respondent concerned not to make payment of compensation to the Respondent no. 10 with respect to acquired 4.595 acres of land in Khata no. 286 and Plot no. 1552 and Respondent no. 9 with respect to Khata no. 350 Plot no. 1549 area acquired 0.268 acre, Kahta no. 280 Plot no. 1551 area acquired 0.913 acre, Khata no. 223 Plot no. 1550 area acquired 0.065 acre for the construction of Broad Gauge Railway Line from Araria to Supaul in connection with Land acquisition notification bearing Memo no. 304 dated 01.03.2023 for which intimation was sent through letter dated 27.05.2023 which was received to the Petitioner no. 2 in July 2023 under section 21(2) of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as Petitioners have right, title and interest in the above said lands for which they are also entitle to proportionate amount of compensation.



(ii) For issuance of appropriate writ for directing the Respondent concerned for not releasing the Money/compensation in favor of the Private Respondent no. 9 and 10 Related to the land acquired for the Rail Project from Araria to Supaul related to Khatiyani land belongs to the family of the Petitioners and the Private Respondent no. 9 is also coparcener of family as he is Full brother of the Petitioner no. 2 and Respondent no. 10 is the wife of Respondent no. 9 related to land bearing Khata no. 286 (Plot no. 1552 total acquired land 4.595) recorded in name of Dipika Gopashree (Respondent no. 10) and bearing Khata no. 350 (Plot no. 1549 area acquired 0.268 acre), Kahta no. 280 (Plot no. 1551 area acquired 0.913 acre), Khata no. 223 (Plot no. 1550 area acquired 0.065 acre) recorded in the name of Gopi Krishan Shyam (Respondent no. 9), till the objection raised before the authority concerned by the Petitioner is decided by the concerned authority.

(iii) For the issuance of an appropriate direction to the respondent concerned, do not prepare an award in



favor of Respondent Nos. 9 and 10 until the claim of the petitioners is decided as per their share in the ancestral property that was acquired by the government for the rail project from Araria to Supaul. (iv) That alternatively, the district magistrate and district land acquisition officer may be directed to decide the representation filed by the petitioner in accordance with the provisions of the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013".

3 . At the outset, learned counsel for the petitioners requests to dispose of the writ petition with direction to the respondent No. 3 the District Magistrate-cum-Collector, Araria to dispose of the application filed by the petitioners before him on 09.09.2023 .

4. In view of the limited prayer made on behalf of the petitioners, the respondent No. 3 the District Magistrate-cum-Collector, Araria is directed to dispose of the aforesaid application , in accordance with law after hearing all the parties, preferably within a period of



three months from the date of receipt of copy/production
of this order.

5 . Thus, writ petition stands disposed of with
the aforesaid directions.

(Prabhat Kumar Singh, J)

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