

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17539 of 2022

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Rakesh Kumar Das son of Dev Narayan Das, Resident of Village- Bibiganj,
Kalpir, P.S. Bibiganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The Union of India through the Deputy Chief Engineer (Construction),
Northeast Frontier Railway, Katihar.
2. The Deputy Chief Engineer (Construction), Northeast Frontier Railway,
Katihar.
3. The State of Bihar through the District Magistrate-cum-Collector,
Kishanganj.
4. The District Magistrate-cum-Collector, Kishanganj.
5. The District Land Acquisition Officer, Kishanganj.
6. The Circle Officer, Tedhagachh, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arjun Kumar, Advocate
For the State	:	Mr. Mukul Prasad, AC to GP-18
For the Railway	:	Mr. Anshay Bahadur Mathur (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 07-05-2024 Heard the parties.

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

(i) to issue an appropriate writ/writs and direction/directions to the Respondents to give the compensation for the land measuring area 01 Acre 72 Decimals and 700 Squire Kari from the Khesra No. 262, Khata No. 18 under Mauza Bhelaguri, Block Tedhagachh, Thana No. 125, District Kishanganj which has been acquired under Land Acquisition Case No.



05/2019-20 in Project "Araria- Galgalia New B.G. Rail Line" as the petitioner has not been given single penny for the compensation;

(ii) for the direction(s) to the respondents not to acquire the land without giving proper compensation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (the Act for the sake of brevity).

3. The claim of the petitioner is that he has got title over the land but is being disturbed by the respondents.

4. A counter affidavit on behalf of the Indian Railway through its Deputy Chief Engineer is on record and learned counsel for the Railways, Mr. Mathur submits that so far as Railways are concerned, they wanted the land, the District Administration provided the same, payments made and in that background, they have no role to play as those having title will be getting the compensation.

5. Learned Counsel for the petitioner has taken this Court to the annexure attached with the counter affidavit of respondent nos. 3 to 5 to show that though it has been incorporated that the name of the Government of Bihar is recorded, the settlement certificate is with the petitioner herein.



6. He submits that in case of similar situate Kiran Kumar Mandal against whom the same facts have been incorporated, to his knowledge, has been granted the compensation.

7. Learned State Counsel is not in a position to rebut the same.

8. This Court has checked the facts incorporated in the remarks column of the petitioner vis-z-vis the other person, Kiran Kumar Mandal and finds it to be the same. In that background, if Kiran Kumar Mandal has been extended the compensation, the respondents are duty bound to extend the same to the petitioner too, unless they come to a conclusion that:

(i) no payment has been made to Kiran Kumar Mandal;

(ii) the payment has been made in different facts and circumstance.

9. Learned counsel for the petitioner submits that he will be approaching the Collector, Kishanganj within four weeks from today alongwith all the relevant documents and the details of the similar situate persons including Kiran Kumar Mandal.

10. In case, the petitioner approaches the respondent no. 4, the Collector, Kishanganj within four weeks, he shall look



into the matter, hear the necessary parties including the District Land Acquisition Officer, Kishanganj and pass an order expeditiously preferably within a period of four months from the date the representation/details/application is preferred by the petitioner.

11. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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