

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22617 of 2018**

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Rameshwar Tiwari, Son of Late Durgadas Tiwari, Resident of Village- Sakri,  
P.S. Kudra, Distt.- Kaimur

... .. Petitioner/s

Versus

1. The Eastern Dedicated Freight Corridor Corporation of India Pvt. Ltd. through the Chief Project Manager, Mughalsarai, Varanasi.
2. The Deputy Project Manager, Eastern Dedicated Freight Corridor Corporation of India Pvt. Ltd. Mughalsarai, Varanasi
3. The State of Bihar through the principal Secretary, Revenue Department Govt. of Bihar, Patna
4. The District Magistrate, District- Kaimur
5. The Arbitrator cum Commissioner Patna Division, Patna
6. The Competent Authority cum District Land Acquisition Officer, Distt.- Kaimur
7. The Circle Officer, Kudra, Distt.- Kaimur

... .. Respondent/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Ramchandra Singh, Advocate    |
| For the Respondent/s | : | Mr. Rishi Raj Sinha, SC-19        |
| For the Railways     | : | Mr. Ashok Kumar Keshari, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**CAV JUDGMENT**

**Date : 10-12-2024**

Heard Mr. Ramchandra Singh, learned Advocate  
for the petitioner, Mr. Ashok Kumar Keshari, learned Advocate  
for respondent no.2 and learned Advocate for the State.

2. The land of the petitioner was acquired for the  
Special Railway Project, known as Dedicated Freight Corridor;  
has approached this Court seeking a writ in the nature of  
mandamus commanding a direction upon the respondent  
authorities to consider his case for grant and pay the award



amount considering his land as residential along with interest, in accordance with law.

3. The brief facts of the case are that the Government of India has taken a policy decision to develop the Railways for fast movement of the goods and for the said purpose in order to create better infrastructure of the Railways, it has been decided to create Eastern Dedicated Freight Corridor. For the said purpose, a Gazette notification was duly published on 10.09.2010. Such notification has also been published in the Daily Newspaper on 27.10.2010. The land of the petitioner, which is the subject matter of the instant writ petition, was acquired under the provisions of the Railways Act, 1989 vide Land Acquisition Case No. 26 of 2011-12. The grievance of the petitioner is that initially his land along with others sought for acquisition was notified as residential and the same was informed to the officials of the Railway Project. Consequently, the award, in question, was prepared by the competent authority on 17.01.2012 with respect to the land of the petitioner and others treating some of the land as agriculture and part of the land as residential. Being aggrieved by the classification of the land, some of the land holders and the Railway officials as well moved before the learned Arbitrator. The learned Arbitrator, as



per the averments made in the writ petition, without issuing the notice to the petitioner and other similarly situated persons set aside the determination of the nature of the land made by the competent authority-cum-District Land Acquisition Officer and directed the competent authority to treat the land as agricultural. The competent authority prepared the modified award in the light of the order passed by the learned Arbitrator treating the land of the petitioner and other similarly situated persons as agricultural land. Some of the land holders, being aggrieved by the order passed by the learned Arbitrator, moved to this Court in C.W.J.C. No. 14337 of 2013, C.W.J.C. No. 7075 of 2013, C.W.J.C. No. 7174 of 2013 and C.W.J.C. No. 896 of 2013.

4. The petitioner seeks parity with the petitioners of the aforementioned writ petitions and urged before this Court that though the writ petitioner has received the amount under the award, but the same was done under protest, as it was assured by the competent authority that the order passed by the learned Arbitrator shall be binding upon all the similarly situated persons. However, he has learnt that pursuant to the order of this Court, as noted hereinabove, the competent authority has modified the award in terms of the order passed by the learned Arbitrator, but the authority has not modified the award of the



petitioner, compelling him to approach before the competent authority to consider his case, as has been done in the case of other similarly situated persons, but to no succor.

5. The contention of the petitioner has been countered by the respondents.

6. It is worth noticing that similar issue has come up for consideration before this Court in C.W.J.C. No. 22294 of 2018 and other analogous cases, which came to be disposed of vide order dated 24.10.2024 in the following terms:

*“13. Having heard the learned Advocates for the respective parties and taking note of the materials available on record, specially the copy of the award, this Court finds that the award has been prepared by determining the nature of the land as agriculture and, accordingly, compensation has been paid, which was duly accepted by the petitioners, however, with protest. Had the petitioners been aggrieved by the award, the remedy was available to them to approach before the learned Arbitrator as provided under Section 20(F)(6) of the Act, 1989. In case, any of the petitioners are aggrieved by the order passed by the learned Arbitrator, the remedy is available only under the Arbitration and*



*Conciliation Act, 1996.*

*14. In any view of the matter, in the opinion of this Court, the present batch of writ petitions are not maintainable. However, in both the aforementioned eventualities, the petitioners are at liberty to take proper recourse as available under the law.*

*15. The writ petitions stand closed with the liberty aforesaid.”*

7. Having considered the identical facts and the circumstances, the present writ petition also disposed of in similar terms of the aforementioned order.

8. The writ petition stands closed.

**(Harish Kumar, J)**

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