

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9480 of 2017

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Shatrughan Prasad Singh Son of Late Ram Chandra Singh, Resident of
Village-Kochwara, P.S. Dariyapur, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India through the General Manager, East Central Railway,
Hajipur, District-Vaishali, B
3. The Chief Engineer, Rail Pariyojna, Patna.
4. The Deputy Chief Engineer, Rail Pariyojna, Patna.
5. The Project Manager, L and T Company, Railway Chakka Factory, Village-
Bela, P.O. Arvind Nagar, P.S. Dariyapur, District-Saran
6. The District Magistrate, Saran at Chapra.
7. The District Land Acquisition Officer, Saran at Chapra.
8. The Circle Officer, Dariyapur Block, Saran.
9. Harendra Rai Son of Late Sheo Prasad Rai Resident of Village-Dubalia, P.O.
Arvind Nagar, P.S. Dariyapur, District-Saran.
10. Bhushan Rai Son of Late Sheo Prasad Rai Resident of Village-Dubalia, P.O.
Arvind Nagar, P.S. Dariyapur, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the State	:	Mr. Raj Kishore Roy-GP-18
For the U.O.I.	:	Mrs. Radhika, Advocate
For the Respondent/s	:	Mr. Ram Tujabh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-04-2025 Heard Mr. Kumar Kaushik, learned counsel for the

petitioner and the State.

2. The present writ petition has been preferred for the
following relief(s):

*“i. for issuance of order, direction or a
writ of mandamus or any other appropriate writ
for directing the respondent authorities to pay*



compensation to the petitioner in respect of 3.5 decimals of land located in Khata No. 871, Khesra No. 6714, Mauza- Bela Tola Kochwara, P.S. Dariyapur, District-Saran which has been acquired by the respondent authorities in Land Acquisition Proceeding No. 12 of 2005-06 institute pursuant to notification under section 4 of the 1894 Act contained in Memo No. 1783 dated 07.08.07 which was issued by the respondent State of Bihar for construction of Railway Chakka Factory by the Indian Railways..

ii. for issuance of order, direction or a writ of mandamus or any other appropriate writ for directing the respondent authorities to determine the aforesaid amount of compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; hereinafter referred to as 'the 2013 Act, and pay the same to the petitioner.'"

3. Both the Railways and the State have filed their respective counter-affidavits and the reply of respondent no. 6 and 7 shows that the petitioner has received the entire compensation amount and Annexures have also been attached in the regard.

4. Contrary to the statement made in the counter-affidavit, the stand of the petitioner is that for his plot as also



another plot, he was granted the amount and since the demand was made that he has wrongly been paid, he actually returned the entire amount and did not kept the amount of his land as the same was not segregated. He submits that the stand of the State in this regard in the counter-affidavit is erroneous. Secondly, though counter-affidavit was filed in the year 2021, no copy was ever served upon him.

5. This Court has checked the notice of the counter-affidavit and there is no receipt of the Office of the learned counsel for the petitioner, Mr. Kumar Kaushik. Learned State counsel is cautioned to remain agile in future.

6. Learned counsel for the petitioner submits that since there is dispute between their claim as also the stand of the State, he shall be approaching respondent no. 7, The District Land Acquisition Officer, Saran at Chapra in next four weeks alongwith all the supporting document to show that he is entitled to the amount.

7. In view of the fact that the counter-affidavit of the State (showing full compensation amount having been paid) was not served upon the petitioner, this Court is inclined to grant said liberty to the petitioner to approach the concerned respondent alongwith all the necessary documents to satisfy the



said office.

8. If the petitioner prefers an appropriate petition with supporting documents in next four weeks before the concerned respondent, he/she is duty bound to look into the matter and take the same to its logical conclusion within next four months.

9. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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