

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2973 of 2019

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Kanhai Ram S/o Late Bidesi Ram Resident of Mahaveer Tola Chulhaichak,
P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus

1. The Union of India and Ors through the General Manager, East Central Railway, Ministry of Railway, Vaishali at Hazipur
2. The D.R.M., ECR Ministry of Railway, Danapur, Patna
3. The Chief Engineer, Construction, Ganga Bridge, East Central Railway, Digha Ghat, Patna
4. The Senior Divisional Engineer, East Central Railway, Danapur, Patna
5. The Dy. Chief Engineer, Construction, ECR, Digha Ghat, Patna
6. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
7. The District Magistrate-cum-Collector, Patna
8. The District Land Acquisition Officer, Patna
9. The Officer-in-Charge, Rupaspur, Police Station Danapur, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-02-2025 Heard Learned Counsel for the petitioner and

Learned Sr. Counsel for the State. No one appears on behalf of

the Railway.

2. Learned Counsel for the petitioner submits that the

petitioner's land was acquired for the purpose of the

construction of the Ganga Rail Pul Nirman under Land

Acquisition Case No. 18 of 2005-06. Counsel further submits

that under emergent provision a notice has been issued under



Section 17(A), and 80 % of the compensation amount has been awarded. However, the remaining 20 % of the compensation amount has not yet been awarded. Counsel further submits that with the span of time, his own brother, whose name was also mentioned in the notice under Section 17(A), had moved before this Hon'ble Court in CWJC No. 17389 of 2012 in which *vide* order dated 17.08.2016, he was directed to file a representation before the competent authority. Counsel further submits that his brother, Shankar Ram, who had filed the aforementioned writ petition, unfortunately passed away on 11.05.2015. The petitioner has since filed an application before the concerned authorities for the grant of the compensation amount. However, since no action has been taken, the petitioner has now moved before this Hon'ble Court. Counsel submits that *vide* Annexure- 4, the petitioner has provided all the relevant documents.

3. Learned Sr. Counsel for the State submits that counter-affidavit on behalf of the state and on behalf of the Railway are present in the present writ petition. Counsel further submits that from the pleadings of the Railway, it becomes crystal clear that the petitioner was instructed to move before the concerned Collector to address his grievances.



Counsel further submits that a notice bearing No. 248, dated 02.08.2019, has been issued by the office of the District Land Acquisition Officer by which demand of relevant documents has been made, which is annexed as Annexure- B to the supplementary counter-affidavit.

4. In the light of the submissions made by the parties and after reviewing Annexure- B, this Court become very much surprised that the Land Acquisition Officer issued a notice in 2019 in the name of the petitioner's brother, Shankar Ram, who had already passed away in 2015.

5. It transpires to this Court from Annexure- 4 of the writ petition that the petitioner is interested in receiving the entire compensation amount for the land acquisition.

6. This Court hereby directs the Land Acquisition Officer to issue a fresh notice to the petitioner. It is further directed that the petitioner shall provide the correct and current address of the wife and daughter of the petitioner's late brother, Shankar Ram. Upon receipt of the correct address, the Land Acquisition Officer shall issue notice to the heirs and legal representatives of Shankar Ram. Upon their appearance, the Land Acquisition Officer shall verify the authenticity and genuineness of the individuals and then determine the amount



to which the parties are entitled based on the record. The said exercise shall be initiated by the Land Acquisition Officer upon production of the order by the petitioner before him. All such exercises have been directed to be completed within six months from the date of the production of this order.

7. Accordingly, with these directions, the writ petition stands allowed.

(Dr. Anshuman, J.)

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