

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17086 of 2017

Shiv Prasad Sah Son of Late. Baijnath Sah, Resident of Village-Khajura, P.S.-
Durgawati, District-Kaimur Bhabua.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Department of Railway (Ministry of Railway), Rail Bhawan, New Delhi.
2. The Ministry of Railways, through the Chief Project Manager, Dedicated Freight Corridor Corporation
3. The Assistant Project Mugalsarai, Sone NagarBlock, 2nd Floor, Swarn Complex Susuwahi, P.S.-Lanka, D
4. The Secretary, Ministry of Rural Development and Land Resources Department, Government of India, Ni
5. The State of Bihar through Principal Secretary, Department of Revenue and Land Reform, Bihar, Patna
6. The Commissioner-Cum-Arbitrator, Patna Division, Patna.
7. The District Magistrate-Cum-Collector, Kaimur Bhabua
8. The Competent Authority-Cum-District Land _Acquisition Officer, District-Kaimur Bhabua.
9. The Superintendent Engineer, Department of Building Construction, Building Circle, Ara, District-Bh
10. The Executive Engineer, building Construction Department, Building Division, Bhabua, District-Kaimu

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC-19
For Railway	:	Mr. Anshay Bahadur Mathur, C.G.C.
For respondent no.3	:	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-06-2025 No one appears on behalf of the petitioner though
the State, Railways and respondent no.3 are represented.

2.The present petition has been preferred for the
following relief/s:

(i) for a direction upon the



Respondents to make Revaluation of the acquired building / structure of the Petitioner as per the details of land mentioned at Para. 4 of the present application by initiating a fresh enquiry after constituting a committee;

(ii) for a direction upon the Respondents to act upon in accordance with Section 26 of the New Land Acquisition Act as also under Section 20 (Ch) of the Railways (Amendment) Act 2008 and accordingly the value of the structure / house be assessed/fixed on the basis of current market rate in comparison with the rate of District Registration Office;

(iii) for a direction upon the Respondents not to apply method/tactics of price depreciation in case of assessment of the valuation of building/structure;

(iv) for a direction upon the



Respondents to pay the Solatium amount in case of soil filling, tree and it's ancillary relating to the land of the Petitioner along with a Compensation @12% on annual basis be given to the Petitioner;

(v) for a direction upon the Respondents to make the valuation/fixation of the rate of land, building/structure together afresh in terms of Section 24 (2) of the New Land Acquisition Act, 2013;

(vi) for a direction upon the Respondents not to act upon further till the grievances of the Petitioner as stated above be not redressed/fully complied with and till then the Award prepared in this case as also the Order dated 19.5.2017, passed in Arbitration Case No. 25/2016, passed by the Commissioner, Patna Division, Patna (Respondent No. 6) may kindly be kept



in abeyance;

(vii) further the Petitioner seeks indulgence of this Hon'ble Court to grant any other relief/reliefs for which the Petitioner is found entitled in the facts and circumstances of this case.

3. The respondents have clarified that a decision has been taken by the Commissioner, Patna Division Patna directing the District Land Acquisition Officer, Kaimur at Bhabhua to act in accordance with recommendation made by the Superintending Engineer, Building Division, Ara and in any case, if the petitioner is aggrieved, should have moved before the competent authority instead of coming before the Patna High Court.

4. Be that as it may, since there is no appearance on behalf of the petitioner, the writ petition is dismissed for non-prosecution.

(Rajiv Roy, J)

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