

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3001 of 2017

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Ganga Rai son of Ram Narayan Rai resident of Mohalla - Ramji Chak, P.O.
P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Department of Railway, Railway Bhawan, New Delhi.
2. The Secretary, Department of Railway, Railway Bhawan, New Delhi.
3. The Chief Engineer Construction, Eastern Railway, Danapur Division, Danapur.
4. The Deputy Chief Engineer Construction, Eastern Railway, Danapur Division, Danapur.
5. The Chief Engineer, E.M. Railway, Hajipur, Bihar.
6. The State of Bihar through the District Magistrate, Patna.
7. The District Magistrate, Saran.
8. The A.D.M., Patna Land Acquisition.
9. The A.D.M. Saran Land Acquisition.
10. The District Land Acquisition Officer, Patna.
11. The District Land Acquisition Officer, Saran.
12. The Sub-Divisional Officer, Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar, Advocate
For the UOI	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. Arvind Kumar, CGC
		Mr. Lokesh, Advocate
		Mr. Abhishek Kumar Verma, Advocate
For the State	:	Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-03-2025 Heard Learned Counsel for the petitioner, Learned

Counsel for the State and Learned Senior Counsel for Union of

India.

2. The present writ petition has been filed for the

following relief/s:-



“I. For directing the respondent authorities to provide job to the petitioner in Railway Department.

II. For directing the respondent authorities to implement its decision to provide job to one member of each family whose lands have been acquired for construction of Bridge originating from Patna to Sonapur.

III. For grant of any other relief/reliefs to which the petitioner may be found entitled in the facts and circumstances of this case.”

3. Learned Counsel for the petitioner submits that lands of the petitioner were acquired in the year 2001-02 and 2004-05 *vide* L.A. Case No.22/2001-02 *vide* Award No.6/Gha and L.A. Case No.1/2004-05 *vide* Award No.5/Gha. Counsel submits that lands were acquired for construction of Rail-cum-Road Bridge from Digha to Sonapur and the petitioner's land has situated in Mauza- Ramji Chak, Digha. Counsel submits that the benefit has been granted to series of persons, but the present petitioner has been deprived off from granting such benefit.

4. Learned Senior Counsel for Union of India on the other hand submits that the petitioner's land is situated at Mauza- Sikandarpur under Patna district and it is true that



petitioner's land has been acquired. Counsel submits that this issue has been settled by the Hon'ble Division Bench of this Court in batch cases decided on 21.03.2024 passed in Letters Patent Appeal No.465 of 2022 with analogous cases. Counsel submits that in the said case, it has been intimated that the Railway policy did not enable provision of employment if, acquisition was only for a mere strip/part of land. Counsel further submits that the policy was initially for those persons whose large extents were acquired. Counsel submits that in the counter affidavit filed on behalf of respondent nos.3 to 5, it has been stated that in connection with appointment to land losers as a result of acquisition of land for railway projects, Ministry of Railway has issued policies for particular projects which has been amended from time to time and as per the latest amendment, Ministry of Railways has issued policy for providing employment to the land losers on the north side/bank of Ganga river only. The same policy is not applicable to those of south side/bank of Ganga river. And hence, according to railway, the claim of the petitioner has not found tenable. Counsel submits that the Hon'ble Division Bench of this Court in L.P.A. No.465 of 2022 dated 21.03.2024 has held in paragraph no.22 that those who does not come within the policy



of railway, then they shall not be entitled for any employment.

5. Upon hearing the parties and particularly upon going through the policy document which is annexed as Annexure-C & D to the counter affidavit as well as statement made in paragraph no.8 of the counter affidavit that the said policy for offering appointment in railways is applicable to those persons who are land losers on the north side/bank of Ganga river only and not for those who are on the south side/bank of Ganga river as well as the ratio laid down by the Hon'ble Division Bench of this Court in L.P.A. No.465 of 2022 dated 21.03.2024 particularly, paragraph no.22 which states as follows:-

“22. None of the respondents fall under the policy of the Railways, enabling them to get an employment. Only small strips of land were acquired from each of the respondents, as is demonstrated from the writ petitions. There is no complete loss of homestead or loss of substantial livelihood for reason of the acquisition nor is it pleaded by any of the respondents. With respect to the submission regarding employment having been given in other Divisions, it is a fact that employment was given, even in the Division, which had acquired the lands of the respondents herein. Insofar as the claim raised of other persons



*having been given employment, not even one case has been specified wherein an employment was obtained in lieu of acquisition of a strip of land identical to that of any of the respondents. We also have to observe that illegal or irregular grants cannot result in a valid plea of violation of equality or discrimination as held in **South Eastern Coalfields Limited** (supra). We find absolutely no reason to sustain the judgment of the learned Single Judge.”*

6. Here in the present case, land of petitioner is situated in the southern part of river Ganga, so petitioner has no entitlement for the benefit of employment. In the light of the aforementioned observation and discussion, this Court is of the view that this writ petition is not sustainable in the eye of law. Accordingly, this writ petition is hereby dismissed.

(Dr. Anshuman, J)

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