

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12800 of 2017

1. Ara Sasaram Light Railway Company Limited and Anr Son of Sri Ram Ratan Singh, Resident of B-143, Buddha Colony, Patna- 800 001
2. Krishna Singh Son of Sri Ram Ratan Singh Resident of B-143, Buddha Colony, Patna- 800 001, Power of Attorney Holder of Ara Sasaram Light Railway Company Limited in liquidation.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. Collector-Cum-District Magistrate, Bhojpur, Ara.
5. Superintendent of Police, Bhojpur, Ara.
6. Sub-Divisional Officer, Piro, Bhojpur.
7. Sub-Divisional Officer, Sadar Ara , Bhojpur, Ara.
8. Deputy Collector Land Reforms DCLR , Piro, Bhojpur.
9. Deputy Collector Land Reforms DCLR, Sadar Ara, Bhojpur, Ara.
10. Officer -in-Charge, Piro Police Station, Distt.- Bhojpur.
11. Officer -in-Charge, Ara Town Police Station, Distt- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mrs. Anju Narain, Adv.
For the Respondent/s	:	Mr. Manish Kumar - GP4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-09-2025 Heard Mr. Rajendra Narain, learned Senior Counsel

for the petitioners duly assisted by Mrs. Anju Narain and Mr.

Manish Kumar, learned GP-4 for the State.

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

*(i) issuance of an appropriate writ
including a writ in the nature of writ of*



Mandamus commanding the respondents to forthwith provide security to the petitioner Company's authorities / representatives and men including the petitioner no. 2, who is the Power Attorney Holder of the Liquidator of the Company, which is in the process of liquidation / winding up under the orders of the Company Court i.e. Calcutta High Court, and its lands have been ordered to be auction sold but the Company's men and representatives are facing a number of difficulties relating to law and order problem in making a boundary wall over the properties for smooth sale at the sites given hereunder and inspite of request the respondent authorities are not extending they required help though the petitioners are ready to pay cost for such security etc. It would also be relevant to state here that similar relief had been sought for in respect of some other lands of the Company and this Hon'ble Court was pleased to direct the concerned authorities to provide security vide its order dated 21.11.2014 passed in CWJC No. 13599 of 2012 (Annexure 13 herein).

The lands in respect of which security is sought to be provided by the respondents to the men and representatives working under the petitioner no. 2 for the petitioner Company, include :-

(a) 6.00 acres of lands of different



Khata & Khesra of Piro, P.S. - Piro, Bhojpur, Ara, were acquired in which finally 5.97 acres are left with the Company even according to the latest report of the respondents themselves (Chart prepared by the respondents are in Annexure 11).

(b) 10.10 acres of lands of different Khata & Khesra of Pakri, P.S. -Ara Town, Bhojpur, Ara, were acquired in which finally 3.19 acres are left with the Company even according to the latest report of the respondents themselves (Chart prepared by the respondents are in Annexure 11/a).

(c) 15.09 acres of lands of different Khata & Khesra of Anaith, P.S. Ara Town, Bhojpur, Ara, were acquired in which finally 10.97 acres are left with the Company even according to the latest report of the respondents themselves (Chart prepared by the respondents are in Annexure 11/b).

(ii) Issuance of an appropriate writ including a writ in the nature of writ of Mandamus commanding the respondents to obey the orders/directions /commands of the different Courts and not to create obstructions in different ways in enjoyment of petitioner's right, title, ownership and possession of the lands of the petitioner which they are in the process of selling in terms of orders of the Company Court (i.e Calcutta High Court) and in respect of which the vested interests and



anti-social elements either on their own or at the behest of the respondents are trying to create all sorts of disturbances /confusion to the petitioner which cause hindrance(s) in the process of protecting the land and taking steps for sale of it.

(iii) Issuance of any other appropriate writ(s), order(s), direction(s) as may be deemed to fit and proper in the facts and circumstances the case.

3. The petitioners' company is registered under the provisions of Companies Act having its office at Kolkata. The un rebutted facts of the case is/are that it stopped functioning in the year 1978, went into voluntary liquidation vide **Company Petition no. 623 of 1977** before the **original jurisdiction (Calcutta High Court)**. It is the case that the State of Bihar also appeared before the Company Court where it was held that it has no right, title and interest over the properties of Ara-Sasaram Light Railway and if they so want, can purchase it, shall be given first priority.

4. An offer was made, not accepted by the State of Bihar earlier but later, it came up with an offer to purchase, it was rejected by the Company Judge being lower to the estimated market value then.

5. An appeal was filed by the State of Bihar vide no. 415 of 1992 before the Calcutta High Court which came to be dismissed on 06.01.1997.



6. Aggrieved, SLP (C) 22256-22257 of 1997 was preferred which too was dismissed by the Hon'ble Apex Court on 15.12.1997. The State of Bihar lost interest over it thereafter and a letter to this effect was also sent vide letter dated 15.11.2002 before the Court concerned (Annexure-3 to the petition).

7. The contention is that the respondents are putting the spokes in the wheels of the petitioner inasmuch as they are finding it difficult to construct a boundary wall.

8. Though the Collector, Bhojpur, Ara failed to file any affidavit, the Superintendent of Police, Bhojpur, Ara (respondent no. 5) has filed its affidavit according to which they have never obstructed in the working of the petitioners and in fact, whenever asked for, have provided the necessary protection.

9. This Court also takes note of the earlier order passed by the Co-ordinate Bench in CWJC No. 13599 of 2012 (Ara Sasaram Light Railway Company Limited vs. State of Bihar & Ors.) disposed of on 21.11.2014 (Annexure 13 to the petition) wherein the Court took note of the petitioners' grievance and disposed it of directing the respondent nos. 4 and 5 to provide security to the petitioners' company/authorized persons in accordance with law. The Court further directed the petitioner to approach the aforesaid respondents in this regard.

10. In the opinion of the Court, in view of the fair stand



taken by the respondents/highest authority (Superintendent of Police, Bhojpur at Ara), if there is any security problem, they should approach the Collector, Bhojpur at Ara as also the Superintendent of Police, Bhojpur, Ara with all the relevant documents by filing appropriate petition(s) who shall be duty-bound to look into the matter and do the needful as having won the battle, the petitioners are entitled to have the fruits of the land in question till any adverse order comes against them.

11. The writ petition is disposed of with aforesaid observation.

12. Before parting, this Court would like to put on record its word of appreciation for Mrs. Anju Narain for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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