

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17999 of 2021

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Dinesh Chandra Mandal Son of Late Pancham Mandal Resident of Village-
Patam, Naya Tola Police Station-Patam District-Munger.

... .. Petitioner/s

Versus

1. The Union of India
2. The Chairman Railway Board delhi 256-A Raisina Road rajpath Area
Central Secretariat New Delhi.
3. The General Manager Eastern Railway, Kolkata Eastern Railway Fairlie
Place 17, Netajee Subhash Road Kolkata (West Bengal).
4. The Divisional Railway Manager Malda, D.R.M. office, D.R.M. Building,
Eastern Railway, Malda.
5. The Deputy Chief Engineer (Construction) Eastern Railway, Jamalpur,
Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Sushmita Mishra, Advocate
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 02-02-2026

No one appears on behalf of the respondent/s.

2. Heard Mrs. Sushmita Mishra, learned counsel
appearing on behalf of the petitioner.

3. The petitioner in paragraph no. 1 of the present
writ petition has sought, *inter alia*, following relief(s), which is
reproduced hereinafter:-

*"(i) for the issuance of a rule in the nature of
writ of Mandamus for a direction upon the respondent
authorities to pay adequate compensation with due interest
to the petitioner for construction of northern side of
Railway Platform and extending it and doubling the track
at Patam Halt in the distrcit of Munger on major part of the
homestead land of the petitioner appertaining to Khata No.
525, Khesra No. 176, consisting an area of 74^{1/2} decimal in
Mauza Patam P.S.- Muffasil Sub Registry Munger District*



Munger without initiating any land acquisition proceeding much less issuance of any notice for proposed acquisition.

(ii) for a direction upon the respondent authorities to follow properly the provisions contained in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (For short- The Act)."

4. The brief facts of the case are that the petitioner claims right, title, and possession over land appertaining to Khata No. 525, Khesra No. 176, measuring 74½ decimals, situated at Mauza Patam, P.S. Muffasil, Sub-Registry Munger, District Munger, which was originally purchased by his grandfather, late Bhaglu Mandar @ Bhaglu Mandal, through a registered Sale Deed dated 15.09.1938, and thereafter devolved upon his father, late Pancham Mandal, whose name was mutated and rent receipts were issued, and upon his death, the petitioner claims to have succeeded and remained in possession. The grievance of the petitioner is that the respondent Railway authorities, while undertaking doubling of the railway track and construction/extension of the railway platform at Patam Halt near Rail Mile/Pole Nos. 353/8, 353/9, 354, have occupied and utilized a substantial portion of the said land without initiating any land acquisition proceeding, without issuing notice, and without paying compensation, despite the land being homestead in nature and allegedly worth about Rs. 1.5 crores. It is stated



that the petitioner, who presently resides at Bhagalpur, came to know about the construction subsequently and issued a legal notice dated 04.03.2020 demanding compensation with interest, but no action was taken, compelling him to approach this Court alleging violation of statutory provisions relating to land acquisition and infringement of his constitutional right to property under Article 300A of the Constitution of India.

5. Learned counsel appearing on behalf of the petitioner submitted that the claim of the petitioner is based on two evidences, which have not been disputed by the respondent/s in spite of legal notice having been issued on 04.03.2020 (Annexure-4 to the writ petition). *Jamindari* return is contained in 'Annexure-2 to the writ petition' and in respect of continuous possession over the plot appertaining to Khata No. 525, Khesra No. 176, measuring total area of 74^{1/2} decimal situated in Mauza Patam, after vesting of the *Jamindari* to give effect the settlement made in favour of the petitioner, rent receipt has been brought on record by way of 'Annexure-4 to the writ petition'. She further submitted that the land in question of the petitioner has been acquired for widening of the Railway Station without initiating any acquisition proceeding. The petitioner is entitled for due compensation in accordance with



the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as amended up-to-date. She further submitted that recorded evidence is in favour of the petitioner that petitioner is in possession of the land but without following the due process of law, petitioner has been deprived of his right over his property as enshrined under Article 300 A of the Constitution of India, which requires that dispossession can only be after following due process of law. Learned counsel, in this regard, has relied on the law laid down by the Hon'ble Supreme Court in the case of ***Vidaya Devi Vs. The State of Himachal Pradesh & Ors.*** reported in ***2020(2) SCC 569***.

6. No one has tendered appearance on behalf of the respondent/s but this Court, on the basis of recorded evidence, which has been brought by the petitioner, finds out that Circle Officer has admitted the continuous possession of the petitioner at least till the year 2020, for which, a revenue receipt has been issued in favour of the petitioner for the Financial Year 2019-20 and the petitioner has claimed that after vesting of *Jamindari* and settlement made by ex *Jamindar*, the continuous possession cannot be questioned without following due process of law. The petitioner has already filed objection by way of sending legal



notice to the Chairman, Railway Board.

7. It is commonly seen that the officers having quasi judicial power often delay in considering the representation filed by the aggrieved person or they deliberately delay to even adjudicate those cases where they exercise their adjudicatory power, while, it is well settled principle of law that High Courts should not exercise its writ jurisdiction under Article 226 of the Constitution of India if an effective and efficacious remedy is available. Taking into the circumstances of the present case where fundamental/constitutional right of a citizen is infringed, this Court must not fail to exercise its power under Article 226 of the Constitution of India.

8. It is also well settled principle of law that every administrative action in want of reason is not sustainable as has been held by the Apex Court in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan*** reported in **(2010) 9 SCC 496**. The relevant paragraph is reproduced hereinbelow:

*“47. Summarising the above discussion,
this Court holds:*

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of



justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but



also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor³²).

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija vs. Spain³³ EHRR, at 562 para 29 and Anya v. University of Oxford³⁴, wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions.”

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.

9. The law in this regard has been laid down by the Apex Court in the Case of ***M/s Magadh Sugar & Energy Ltd. Versus The State of Bihar & Ors.*** reported in ***LL 2021 SC 495***, paragraphs no. 19 and 28 would be relevant in this regard, which is as under:-

“ 19. While a High Court would normally not exercise its writ jurisdiction under Article 226 of the Constitution if an effective and efficacious alternate remedy is available, the existence of an alternate remedy does not by itself bar the High Court from exercising its jurisdiction in certain contingencies. This principle has been crystallized by this Court in Whirpool Corporation v. Registrar of Trademarks, Mumbai¹⁹ and Harbanslal Sahni v. Indian Oil Corporation Ltd²⁰. Recently, in Radha Krishan Industries v. State of Himachal Pradesh & Ors²¹ a two judge Bench of this Court of which one of us was a part of (Justice DY Chandrachud) has summarized the principles governing the exercise of writ jurisdiction by the High Court in the presence of an alternate remedy. This Court has observed:

“28. The principles of law which emerge are that: (i) The power under Article 226 of the Constitution to



issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well; (ii) The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person; (iii) Exceptions to the rule of alternate remedy arise where (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged; (iv) An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law; (v) When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion; and (vi) In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.” (emphasis supplied)

10. Now question arises whether this Court can exercise its jurisdiction under Article 226 of the Constitution of India in the facts of the present writ petition in case respondents have acted without jurisdiction. Law in this regard is well settled by the Apex Court in the case of ***Assistant Commissioner of State Tax v. M/s Commercial Steel Limited (Civil Appeal No. 5121 of 2021)***. In State of ***HP v. Gujarat Ambuja Cement Ltd & Anr., reported in (2005) SCC 6 499*** this Court has held that a writ petition is maintainable before the High Court if the taxing authorities have acted beyond the scope



of their jurisdiction. This Court observed:

“23. Where under a statute there is an allegation of infringement of fundamental rights or when on the undisputed facts the taxing authorities are shown to have assumed jurisdiction which they do not possess can be the grounds on which the writ petitions can be entertained. But normally, the High Court should not entertain writ petitions unless it is shown that there is something more in a case, something going to the root of the jurisdiction of the officer, something which would show that it would be a case of palpable injustice to the writ petitioner to force him to adopt the remedies provided by the statute. It was noted by this Court in L. Hirday Narain v. ITO [(1970) 2 SCC 355: AIR 1971 SC 33] that if the High Court had entertained a petition despite availability of alternative remedy and heard the parties on merits it would be ordinarily unjustifiable for the High Court to dismiss the same on the ground of non-exhaustion of statutory remedies; unless the High Court finds that factual disputes are involved and it would not be desirable to deal with them in a writ petition.”

11. To consider whether the petitioner is entitled for the reliefs as prayed for in the present writ petition, I find it apt to refer mandate of Article 300A of the Constitution of India which tends to safeguard the invaluable right to property.

“300-A. Persons not to be deprived of property save by authority of law

No person shall be deprived of his property save by authority of law.”

12. The State as per the constitutional provision cannot disposes a citizen of his property except in accordance with law and procedure prescribed. The obligation to pay compensation is not expressively included in Article 300-A of the Constitution of India can be inferred in that Article. The law in this regard is well settled by the Apex Court in case of ***Vidaya Devi Vs. The State of Himachal Pradesh & Ors.*** reported in



2020(2) SCC 569, I find it proper to quote the para-12.1 and 12.2 of the said judgment, which are *inter alia* reproduced hereinafter;

“12.1. The appellant was forcibly expropriated of her property in 1967, when the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property [State of W.B. v. Subodh Gopal Bose, (1953) 2 SCC 688 , which could not be deprived without due process of law and upon just and fair compensation.

12.2. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1”

13. The above proposition of law has again been reiterated by the Apex Court in the case of ***Dharnidhar Mishra (D) and Another vs. State of Bihar and Others***, in Civil Appeal No. 6351 of 2024, reported in **(2024) 10 Supreme Court Cases 605**, is relevant. The paragraph is reproduced as under:—

“ 16. The right to property ceased to be a fundamental right by the Constitution (Forty-fourth Amendment) Act, 1978, however, it continued to be a human right in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [See: K.T. Plantation (P) Ltd. v. State of Karnataka [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1.”

14. The Petitioner may represent before the District



Magistrate cum Collector, Munger, who is required to call for revenue records from the Circle office and after providing opportunity of hearing to the petitioner, and upon verification of the records and after holding physical verification of the land described and claimed by the petitioner, give a specific finding, whether the land, which has been acquired is subject matter of the notification of acquisition, which has been taken for construction of northern side of Railway Platform at Patam Halt in the district of Munger.

15. In case, the land of the petitioner has been acquired, the District Magistrate is required to take steps by informing the Divisional Railway Manager, Malda, having jurisdiction over the Eastern Railway, and the Land Acquisition Officer, Munger for making payment of compensation to the petitioner at the present M.V.R. prevailing in the area in accordance with Act, 2013.

16. With aforesaid observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.02.2026
Transmission Date	N/A

