IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 3809 of 2026

1. Ashok Kumar Sah, S/o Late Ratan Sah, R/o Village-Fazil Khutahri, PO & PS-Meharma, District-Godda
2. Prabhash Kumar, S/o Late Sridev Ram, R/o Village-Shankarpur, PO & PS-Meharma, District-Godda ... … Petitioners

Versus

1. The Union of India, through Ministry of Railway at Rail Bhawan, Raisina Road, Rajpath Area, Central Secretariat, New Delhi
2. The Chief Administrative Officer (Construction Eastern Railway) at N.K.G Building, 14, Strand Road, Kolkata
3. The Deputy Commissioner, Godda
4. The District Land Acquisition Officer, Godda

... … Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners : Mr. Ashok Kumar Jha, Advocate
For the Respondent Nos.1 & 2 : Mrs. Bakshi Vibha, C.G.C
Mr. Parth Jalan, AC to ASGI
For the Respondent Nos.3 & 4 : Mr. Vibhor Mayank, AC to AG

Order No. 02 **Dated: 17.09.2026**

1. Heard Mr Ashok Kumar Jha for the petitioners, Mrs Bakshi Vibha, learned CGC, who appears with Mr Parth Jalan, learned AC to ASGI, for the respondent nos. 1 & 2, and Mr Vibhor Mayank, learned AC to AG, for the respondent nos. 3 and 4.

2. This petition, which is filed in purported Public Interest, seeks the following reliefs:

(i) For issuance of a writ in the nature of Certiorari or any other appropriate writ or an order or direction for the quashing of the notification bearing no.-5689(A) dated 09.12.2025 (Annexure-24) pertaining to Godda-Pirpainti New B.G. Rail line issued under the signature of Chief Administrative Officer (Construction), Ministry of Railway,

Govt. of India, as the same has been issued without considering the objections filed by the villagers of Meharma Block of Godda District, who are going to be directly affected/uprooted, in case of acquisition of land contained in aforesaid notification dated 09.12.2025, is affected.

(ii) Further pray for the issuance of a writ in the nature of Mandamus or any other appropriate writ or an order directing respondents to produce the notification vide S.O. no 3920(A) dated 26.08.2025, notification no 3815 dated 26.08.2025, issued under Section 20-A (1) of The Railway Amendment Act 2008, and its correction letter dated 28.11.2025, as enumerated in the Impugned notification dated 09.12.2025 (Annexure-24), whereby and where under land of villagers of different Mouzas of Meharma block, have been notified for the construction of Special Railway project "Godda-Pirpainti New B.G. Rail Line" under Godda District of State of Jharkhand and further be pleased to quash the same and direct the respondents to issue fresh notifications, considering the objections of the villagers, who are going to be affected/uprooted.

(iii) For the issuance of an appropriate writ or an order or direction commanding upon the respondents to consider the request of the villagers to alter the Alignment of Godda-Pirpainti new B.G. Rail line by 400-750 m Eastwards of the SRT College, Dhamri, Godda so that minimum population would

be affected from being uprooted.

3. Normally, no Public Interest Litigation can be entertained to quash notifications for land acquisition under the Land Acquisition Enactments or the Railways Act. In any event, even if we overlook this position, we are satisfied that the petitioners have not made out any case for grant of relief to quash the impugned notification dated 09.12.2025 (Annexure-24) on the grounds alleged in the present petition.

4. The impugned notification dated 09.12.2025, annexed to the petition, was issued under Section 20-E of the Railways Act, 1989, as amended by the Railways (Amendment) Act, 2008 (hereinafter referred to as "the said Act").

5. The impugned notification specifically refers to a previous notification dated 29.08.2025 issued under Section 20-A of the said Act. Although this notification was published, the petitioners have not placed it on record.

6. The petitioners have placed certain objections on record at Annexure-15 of the petition. However, significantly, they bear no date. Further, those objections appear to have been addressed to the Deputy Commissioner, Godda (the 3rd respondent) and copies are marked to several authorities including the Railway Minister, Union of India. However, the objection does not appear to have been made, or even marked, to the competent authority referred to in the impugned notification dated 09.12.2025.

7. The petition does not clearly state that the objections at

Annexure-15 were made pursuant to, or even after, the notification dated 29.08.2025 issued under Section 20-A of the said Act was published in the local newspapers.

8. Still, Mr Jha, the learned counsel for the petitioners, now submits that the impugned notification dated 09.12.2025 must be quashed and set aside because it states that no objections were received when, in fact, the petitioners had filed their objections. He further submits that the Deputy Commissioner, Godda convened the meeting to consider the issue of realignment of the railway line, and this fact was not considered before issuing the impugned notification dated 09.12.2025.

9. To appreciate Mr Jha's contentions, reference needs to be made to the provisions under Section 20-A to 20-E of the Railways Act, and therefore, these provisions are transcribed below for the convenience of reference:

> ***20A. Power to acquire land, etc.****-(1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.*
>
> *(2) Every notification under sub-section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.*
>
> *(3) The State Government or the Union territory, as the case may be, shall for the purposes of this section, provide the details of the land records to the competent authority, whenever required.*

(4) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.

20B. Power to enter for survey, etc.*-On the issue of a notification under sub-section (1) of section 20A, it shall be lawful for any person, authorised by the competent authority in this behalf, to-*

(a) make any inspection, survey, measurement, valuation or enquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels, boundaries and lines placing marks and cutting trenches; or

(f) do such other acts or things as may be considered necessary by the competent authority.

20C. Evaluation of damages during survey, measurement, etc.*- The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under section 20B particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.*

20D. Hearing of objections, etc.*-(1) Any person interested in the land may, within a period of thirty days from the date of publication*

of the notification under sub-section (1) of section 20A, object to the acquisition of land for the purpose mentioned in that sub-section.

(2) Every objection under sub-section (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.- For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

20E. Declaration of acquisition.*-(1) Where no objection under sub-section (1) of section 20D has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-section (1) of section 20A.*

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

> *(3) Where in respect of any land, a notification has been published under sub-section (1) of section 20A for its acquisition, but no declaration under sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:*
>
> *Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 20A is stayed by an order of a court shall be excluded.*
>
> *(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.*

10. From the above provisions, it is apparent that where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land. The competent authority is required to cause the substance of such notification to be published in two local newspapers, out of which one shall be in a vernacular language.

11. The impugned notification specifically refers to a notification dated 29.08.2025 issued under Section 20-A and its publication in the local dailies "Prabhat Khabar" and "Dainik Jagaran". The petitioners have conveniently not bothered to annex these crucial notifications to the petition. Instead, in prayer clause (ii), the petitioners have sought relief directing the respondents to produce the notifications. Once the notifications are stated

to have been published in the local newspapers, it was for the petitioners to have made efforts and place such notifications on record.

12. Section 20-D of the Railways Act provides that any person interested in the land may, within thirty days from the date of publication of the notification under sub-section (1) of Section 20-A, object to the acquisition of land for the purpose mentioned in that sub-section. Section 20-D further provides that every objection shall be made to the competent authority in writing, and shall set out the grounds thereof.

13. In this case, nothing on record shows that the petitioners, or, for that matter, any other interested persons, filed their objections with the competent authority within the prescribed period of thirty days to the acquisition of the land. As noted earlier, the objections in Annexure-15 do not appear to have any nexus whatsoever with the notification dated 29.08.2025, and, besides, such objections were never made to the competent authority.

14. Section 20-E of the Railways Act, under which the impugned notification has been issued, states that where no objection under sub-section (1) of Section 20-D has been made to the competent authority within the period specified therein, the competent authority shall, as soon as may be, submit a report to the Central Government and on the receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-

section (1) of Section 20-A. On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

15. In this case, since there is no material to suggest that any interested person filed an objection under sub-section (1) of Section 20-D with the competent authority within the period specified therein, the impugned notification dated 09.12.2025 cannot be quashed due to the alleged non-consideration of any objections.

16. Insofar as the exercise allegedly undertaken by the Deputy Commissioner, Godda is concerned, again, there are no clear pleadings or documents explaining the nature of the exercise and the statutory provisions under which such exercise was carried out. In any event, based upon such exercise, no case is made out for quashing the impugned notification dated 09.12.2025. Accordingly, the reliefs made in prayer clauses (i) and (ii) cannot be granted.

17. Insofar as the relief in prayer clause (iii) is concerned, generally, it is not for the Court to issue directions to the railway authorities to alter the alignment of a railway line. These are matters for experts to decide, and the scope of judicial review [if at all] is extremely minimal **(See: Federation of Railway Officers Vs. Union of India, AIR 2003 SC 1344)**. Therefore, we are unable to issue any writ to the respondents for realignment of the railway line.

18. However, we clarify that simply because we have rejected the relief in terms of prayer clause (iii), that will not preclude the railway authorities from considering the request of any of the villagers for realignment, no doubt, if the same is feasible and found appropriate.

19. However, once again, we clarify that we are not issuing any direction or command to consider such a request; we are only clarifying that the rejection of this petition should not be construed as any bar on the railway authorities from considering such a request for realignment, if the situation so requires.

20. For all the above reasons, we dismiss this petition without any order for costs. Any other I.As., if any, in this petition will not survive and are disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 17, 2026
Manish/Ritesh
N.A.F.R.
Uploaded on 18.09.2026