

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4771 of 2025

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Ajit Mahto Son of Late Ramvilash Mahto Resident of Tulsipur, P.S.
Bariyarpur, Block Bariyarpur, District Munger.

... .. Petitioner/s

Versus

1. The National Highways Authority of India, New Delhi through its Director,
National Highways Authority of India, New Delhi.
2. The Director, National Highways Authority of India, New Delhi.
3. The Project Director, National Highways Authority of India, Munger.
4. The Competent Authority-Cum-District Land Acquisition Officer, Munger,
Bihar.
5. The State of Bihar through the District Magistrate, Munger, Bihar.
6. The Divisional Commissioner, Munger.
7. The Chairman of Six-Man Committee-Cum-Additional Collector, Munger.
8. The District Sub-Registrar, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Advocate Mr. Aditya Anand, Advocate Mrs. Parul Prasad, Advocate Ms. Shristi Singh, Advocate
For the Respondent/s	:	Mr. Prem Ranjan Raj, AC to SC-7
For the NHAI	:	Mr. Sriram Krishna, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 14-07-2026

Heard Mr. Ashish Giri, learned Senior Counsel for
the petitioner through video conferencing duly assisted by Mrs.
Parul Prasad, Mr. Prem Ranjan Raj, learned AC to SC-7 as also
Mr. Sriram Krishna for the National Highways Authority of
India (for brevity, 'the NHAI').

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



“(i) for quashing/ setting aside the order dated 18.04.2023 in Land Acquisition Case No. 05/2021 passed by the Ld. Divisional Commissioner, Munger whereby and whereunder it has been stated that the Six-Man Committee Report formed for the assessment does not contain signatures of all six persons as such a fresh committee be formed and on the basis of earlier recorded photographs, video and Google Map, a fresh recommendation be made for assessment of value of the land acquired and thereafter, the same be published in Newspaper in accordance with Section 3G of the NH Act within a period of one (1) month as the same is without jurisdiction and in violation with the provisions of law;

(ii) for quashing the Physical Inspection Report dated 15.03.2024 with respect to the assessment of the nature and description of the land made by Six-man Committee to the extent of the land of the Petitioner, as the same has been done pursuant to the Order dated 18.04.2023 in Land Acquisition Case No. 05/2021 passed by the



Ld. Divisional Commissioner, Munger and is in direct violation to the provision of section 3G (1) read with section 3G (7) of the National Highway Act, 1956 and also Article 14 of the Constitution of India;

(iii) for quashing/setting aside the Notification dated 11.01.2019 published in the Extraordinary Gazette of India dated 12.01.2019 under Section 3D of the NH Act, 1956 to the extent that the nature of the land of the Petitioner at Sl. No.230 and Sl. No.239 have been declared to be agricultural as the very basis of the finding was the assessment by the Six-Man Committee which has already been set aside by the Respondent Divisional Commissioner, Munger vide Order dated 18.02.2023 passed in Land Acquisition Case No. 05/2021 as the same was not in accordance with law;

(iv) for directing the Respondent Authorities to make payment of compensation to the Petitioner for the land, under the category of Residential land as per the Minimum Value



Register (hereinafter referred to as MVR) issued vide Departmental Letter No.5275 dated 16.12.2015, which has been acquired for National Highway No.80 as per Notification dated 11.01.2019 published in Extraordinary Gazette of India dated 12.01.2019 of Mauja Karhariya Thana 27 in Munger District as the Respondents have refused to do it in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as RFCTLARR Act);

(v) for issuance of writ of mandamus for directing the Respondents to pay adequate, reasonable and justified compensation for his land acquired by National Highway Authorities for construction of NH-80;

vi) for issuance of writ of mandamus for directing the Respondents to apply the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred



to as RFCTLARR Act, 2013) and pay interest on the amount of compensation @ 12% and the market value of the land from the date of land acquisition under Section 3D(3) on 12.01.2019, i.e., the date of Notification in the Extraordinary Gazette of India till the date of payment of compensation of the land of the Petitioner acquired by the Respondent Authority;

(vii) for any other relief reliefs for which the petitioner is entitled in the facts and circumstances of the present case.”

3. This order be read in continuation of the order dated **05.05.2026** where the entire facts already stand incorporated as a result whereof, the original file relating to **Arbitration Case No. 05 of 2021 (Ajit Mahto vs. State)** was summoned from the Court of **Arbitrator-cum-Divisional Commissioner, Munger Division, Munger.**

4. The land of the petitioner has been acquired for the purpose of widening of the **National Highway – 80 (Munger – Mirza Chowki Four Lane)** which ultimately led to the **Arbitration Case No. 05 of 2021 (Ajit Mahto vs. The State & Ors.).**



5. The contention in the writ petition is that without following the **Section 26 of the Land Acquisition, Rehabilitation & Resettlement Act, 2013** (henceforth for short, '**the 2013 Act**') read with **Section 3G of the National Highways Act, 1956** (henceforth for short, '**the 1956 Act**') which deals with the determination of the market value of land as also the amount that is to be payable as compensation; the Six Men Committee of which three members did not even signed decided the compensation amount.

6. **Section 26 of 'the 2013 Act'** read as follows:

26. Determination of market value of land by Collector.-(1) *The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-*

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or



(c) consented amount of compensation as agreed upon under sub-section (2) of Section 2 in case of acquisition of lands for private companies or for public private partnership projects.

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under Section 11.”

7. Again, **Section 3G of ‘the 1956 Act’** read as follows:

3-G. Determination of amount payable as compensation. - *(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.*

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such



acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3-C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by



either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration-

(a) the market value of the land on the date of publication of the notification under section 3-A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property



in any manner, or his earnings;

(d) if, in consequences consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.”

8. Earlier, the petitioner moved before this Court in **CWJC No. 14297 of 2024 (Ajit Mahto vs. NHAI & Ors.)**. It was disposed of on **21.01.2025** by a Coordinate Bench allowing him to withdraw the writ petition with liberty to file it afresh with proper prayer and pleadings (Annexure-P/1 to the writ petition).

9. This followed the present petition.

10. The multifold submissions have come forward on behalf of the petitioner through his learned Senior counsel, Mr. Giri which includes:

“(i) Section 26 of ‘the 2013 Act’ and Section 3G of ‘the 1956 Act’ have not been followed;

(ii) the six members committee has no authority to decide the compensation amount;

(iii) the Arbitrator had no business to revive the Arbitration Case No. 05 of 2021 once it was disposed



of on 18.04.2023.”

11. Learned Senior counsel has taken this Court to the letter no. 162 dated 11.02.2021 issued by the **Additional Chief Secretary, Revenue and Land Reforms Department (Land Acquisition Directorate, Bihar, Patna)** (henceforth for short, ‘**the Revenue Department**’) to show that the Additional Chief Secretary directed all the Collectors of the districts not to constitute/decide the compensation amount on the basis of Six Members Committee and it was informed that clause 9 relating to the constitution of the committee now stands deleted.

12. The letter dated 11.02.2021 issued by ‘**the Revenue Department**’ is incorporated hereinbelow:

पत्रांक-14/डी0एल0ए0 एल0ए0एक्ट (निर्धारण समिति)-19/2017 162/रा0

बिहार सरकार

राजस्व एवं भूमि सुधार विभाग

(भू-अर्जन निदेशालय)

प्रेषक,

विवेक कुमार सिंह,

अपर मुख्य सचिव।

सेवा में,

सभी समाहर्ता,

बिहार।

पटना, दिनांक:- 11.02.2021

विषय:- विभिन्न केन्द्रीय एवं राजकीय परियोजना हेतु अर्जित/अधिग्रहित भूमि का दर निर्धारण के लिए समहर्ता की अध्यक्षता में उचित प्रतिकर, पुनर्वासन और पुनर्व्यवस्थापन समिति का गठन।

प्रसंग:- राजस्व एवं भूमि सुधार विभाग का पत्रांक-450, दिनांक-12.04.2017



महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संबंध में कहना है कि त्थज्जत्त ।बज. 2013 की धारा-26 में समाहर्ता के द्वारा भूमि के बाजार मूल्य ;डंतामज टंसनमद्ध का अभिनिर्धारण करने का प्रावधान है। उक्त आलोक में प्रासंगिक पत्र के द्वारा विभिन्न केन्द्रीय एवं राजकीय परियोजना हेतु अर्जित/अधिग्रहित भूमि का दर निर्धारण के लिए समाहर्ता की अध्यक्षता में उचित प्रतिकर, पुनर्वासन और पुनर्व्यवस्थापन समिति का गठन करते हुए प्रासंगिक पत्र के कंडिका-9 के द्वारा एन0एच0 अधिनियम-1956 एवं रेलवे विशेष अधिनियम 2008 के तहत अर्जनाधीन/अधिग्रहित भूमि के प्रकृति एवं किस्म निर्धारण किये जाने का निदेश भेजा गया था।

प्रासंगिक पत्र के उपरोक्त वर्णित कंडिका-9 की समीक्षा की गयी। समीक्षा के क्रम में पाया गया कि कतिपय मामलों में एन0एच0एक्ट की धारा-3७,3८ के तहत बवउचमजमदज नजीवतपजल के द्वारा पंचाट घोषणा के समय समाहर्ता की अध्यक्षता में गठित छः सदस्यीय समिति की अनुशंसा नहीं मानी जाती है और बिना किसी वैधानिक औचित्य के समाहर्ता को अनावश्यक रूप से न्यायिक मामलों में पक्षकार बनाया जाता है। प्रशासनिक दृष्टिकोण से भी समाहर्ता की अध्यक्षता में गठित समिति की अनुशंसा पर भूमि सुधार उप समाहर्ता स्तर के पदाधिकारी ;बास्।द्ध द्वारा अंतिम निर्णय लिया जाना प्रशासनिक पदसोपान के प्रतिकूल है। अतएव उपरोक्त परिपेक्ष्य में समीक्षोपरांत प्रासंगिक पत्र की कंडिका-9 को विलोपित किया जाता है। इस संबंध में प्रासंगिक पत्र को इस हद तक संशोधित समझा जाय।

अनुरोध है कि तदनुसार कार्रवाई करने की कृपा की जाय।

विश्वासभाजन

ह0/-

(विवेक कुमार सिंह)

अपर मुख्य सचिव।

(emphasis added)

13. The submission is that on 18.04.2023, the Arbitrator cum Divisional Commissioner, Munger disposed of the Land Acquisition Case No. 05 of 2021 (Ajit Mahto vs. The State and Ors.) recording that the compensation decided by the competent Officer-cum-District Land Acquisition Officer, Munger stands set aside and further directed the competent



authority to decide the matter afresh.

14. Learned Senior counsel submits that instead of acting under the Land Acquisition Act, Six Men Committee sat and took help of the available documents/CD/drone map of 'the NHAI'/photographs and stamped the earlier recommendation/compensation of the land vide the Committee's decision dated 15.03.2024 (Annexure – P/7 to the petition).

15. Learned Senior Counsel submits that worse, without the petitioner even filing any fresh petition challenging the said Six Members Committee report, which may have necessitated registration of fresh case, the Divisional Commissioner, Munger Division, Munger *suo moto* revived already disposed of **Land Acquisition Case No. 05 of 2021**. The submission is that he had no jurisdiction to revive the already disposed of matter and certainly, acted contrary to the law of the land.

16. The submissions is that thereafter without issuing any notice to the petitioner, the Arbitrator passed an order on 25.10.2024 directing the competent authority-cum-District Land Acquisition Officer, Munger to ensure payment of compensation to him. Learned Senior counsel submits that to



give legality to the said order, the Arbitrator falsely recorded that the petitioner is represented though the order was passed behind his back.

17. This order dated 25.10.2024 has been brought by the petitioner by way of **Interlocutory Application No. 01 of 2025** as according to him, till the filing of the writ petition, he had no knowledge about the passing of the said order.

18. Learned Senior counsel for the petitioner submits that in the writ petition, the challenge was to the earlier order passed by the Arbitrator-cum-Divisional Commissioner, Munger dated 18.04.2023 in Land Acquisition Case No. 05 of 2021 as also the Six Men Committee recommendation dated 15.03.2024. However, since the certified copy of the order dated 18.04.2023 was not part with the writ petition, to remove the defect pointed out by the Patna High Court's Office. 'Chirkut' was filed before the court of Arbitrator to procure the certified copy. It was then that the petitioner came to know about the passing of the order dated **25.10.2024** which in the aforesaid circumstance has been challenged by way of Interlocutory Application and is now part of the prayer portion.

19. This Court on an earlier occasion took note of the fact that order dated 25.10.2024 shows that the petitioner was



represented while the consistent stand of the petitioner through his Senior counsel was that neither he had any knowledge about the revival of the Land Acquisition Case No. 05 of 2021 nor he made any application and at no point of time, he was noticed and entire proceeding was initiated/concluded behind his back.

20. On the other hand, the contention of the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger in his affidavit is/was that the petitioner's counsel was present at the time of hearing and only after hearing the parties, the order in question has been passed.

21. In view of contradictory stand taken by the parties, this Court called for the original file relating to **Land Acquisition Case No. 05 of 2021** from the Court of the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger.

22. Today, on call, the learned State counsel provided the original file of the Arbitration Case No. 05 of 2021. A perusal of it would show that the petitioner's counsel earlier was present till the order dated 18.04.2023 was passed by the Arbitrator-cum-Divisional Commissioner, Munger.

23. Later, only paper available in the file relating to



the petitioner is an application dated 29.01.2024 which was received in the office of the Arbitrator on 07.02.2024 wherein, a request was made that since the case has been disposed of, his land has been acquired, the petitioner be paid the compensation which has not been given to him.

24. No further document/appearance slip/any other paper of the petitioner is/are available on the record to show his presence in the subsequent proceeding which was revived by the Arbitrator *suo moto*.

25. On the other hand, the earlier order dated 15.10.2024 (prior to passing of the final order dated 25.10.2024) would show that upon receiving the Six Men Committee's recommendation, the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger took up the matter *suo moto*. The record shows that the Project Director, National Highway Authority of India, Munger put forward his objection that once the Arbitrator has passed an order on 18.04.2023, he has no business to take up the matter again. However, overruling the said objection, he went ahead and directed 'the NHAI', Munger to file its reply to the Six Members Committee recommendation.

26. It was thereafter taken up on 24.10.2024. The



short order shows that the Divisional Commissioner once again recorded the presence of the petitioner, the Project Director, 'the NHAI' as also the State counsel beside the District Land Acquisition Officer, Munger and after recording that the office has received the petition of the concerned competent authority, it was adjourned for the next day for order.

27. On 25.10.2024, after recording the presence of the petitioner beside the Project Director, 'the NHAI', the State counsel and 'the DLAO', Munger, he, thereafter, went ahead and accepting the Six Men Committee's report, as recorded above, direction was given to ensure the identification of the landholder for the payment of the compensation.

28. Learned State counsel as also learned counsel representing 'the NHAI' have gone through the original file relating to the Arbitration Case No. 05 of 2021. The facts that have been recorded in the earlier paragraphs of the present order has been endorsed by them inasmuch as the only document of the petitioner that is present after the disposal of the case on 18.04.2023 is the request dated 29.01.2024 for payment of compensation. Long thereafter, and once the Six Men Committee's recommendation was rejected, in the month of October, 2024, the case was revived by the Divisional



Commissioner, Munger Division, Munger. There is nothing on record to show that the petitioner was put on notice or he was made aware of the revival of the Arbitration Case No. 05 of 2021.

29. This Court has further taken note of the Revenue Department's letter dated 11.02.2021 by which it has already directed all the Collectors not to take recourse to Six Men Committee recommendation and **clause – 9** to this effect was deleted. Further, **Section 26 of 'the 2013 Act'** and **Section 3G of 'the 1956 Act'** envisage the guidelines on how to grant compensation. Clearly, the direction of the Revenue Department as also the aforesaid sections were bypassed.

30. The worst part of all these development is/are the false narrative given by the Divisional Commissioner, Munger Division, Munger that the petitioner appeared in the proceeding which is/are not supported by his office's own file relating to **Arbitration Case No. 05 of 2021** as it has been perused by the Court. There is no direction of the Arbitrator showing the reason for the revival of the disposed of case and/or direction to notice the petitioner. There is no appearance slip of the petitioner either. Recording the petitioner's presence can in no way support the illegal order passed by the



Arbitrator.

31. If the Arbitrator acts in such manner, this Court wonders what will happen to the helpless land owners whose land stands acquired, their prayer for appropriate compensation ignored, an illegal Six Members Committee (constituted by the respondents) recommendation is accepted which followed the order.

32. It is to be noted that the letter dated 11.02.2021 of the Revenue Department has come in the affidavit of 'the NHAI' which has been taken note of by this Court. The record further shows that 'the NHAI' even objected to the revival of the Arbitration Case No. 05 of 2021 which stands recorded in the order of the Arbitrator and perused by the Court in the original file.

33. Though this Court refrains from making any comment on the conduct of the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger, can only observe that being the highest authority of the said division and having been given the solemn responsibility of deciding the matter to ensure just and fair compensation to a landholder who has lost his land to the acquisition, the least that is expected is that he/she shall act strictly in line with the provisions of



law/circular/letters/guidelines and certainly cannot act in defiance of the law.

34. Having recorded the facts of the case, the only conclusion that can be drawn in the aforesaid circumstances is that the order dated **25.10.2024 in Arbitration Case No. 05 of 2021 (Ajit Mahto vs. The State)** is an illegal order passed behind the back of the petitioner. Further, after the deletion of **clause – 9** vide letter dated 11.02.2021 of ‘the Revenue Department, Bihar, Patna,’ the Six Men Committee report is also an illegal recommendation. Accordingly, both the recommendation of the Six Men Committee as also the order dated 25.10.2024 passed by the Arbitrator-cum-Divisional Commissioner, Munger are hereby set aside.

35. Though this Court wanted to impose cost upon the respondents for the arbitrariness and the illegality that has been committed in the matter against the petitioner despite the direction of the Revenue Department in the year 2021; it refrains from doing so with the hope that this time they will not resort to an illegal act, shall not be revengeful and further shall act only in accordance with law in deciding the case.

36. Needless to add, before taking the decision, the petitioner has to be given an opportunity of putting forward his



view before the respondents take a decision.

37. The petitioner shall be filing a petition alongwith the order of this Court before the respondent no. 4, the competent authority-cum-District Land Acquisition Officer, Munger, Bihar in next four weeks who shall be acting in the matter strictly in accordance with law preferably within a period of three months from the date, the copy of the order reaches his/her table.

38. With the aforesaid observation, the writ petition stands disposed of. No cost.

39. The original file relating to the **Land Acquisition Case No. 05 of 2021** which was summoned from the Court of the Divisional Commissioner, Munger Division, Munger is handed over to Mr. Prem Ranjan Kumar, learned AC to SC-7 so that it reaches the concerned office.

(Rajiv Roy, J)

Adnan/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	16.07.2026
Transmission Date	

