

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8093 of 2020

1. Ajay Kumar, S/o Harihar Prasad Resident of Village- Nurganj, P.S.- Barun, Block- Barun, District- Aurangabad, Bihar.
2. Arun Kumar, Son of Late Suryadeo Ram Resident of Village- Nurganj, P.S.- Barun, Block- Barun, District- Aurangabad, Bihar.
3. Shyamal Kumar @ Shyamalal Kumar, Son of Late Suryadeo Ram Resident of Village- Nurganj, P.S.- Barun, Block- Barun, District- Aurangabad, Bihar.
4. Satyendra Kumar, Son of Late Suryadeo Ram Resident of Village- Nurganj, P.S.- Barun, Block- Barun, District- Aurangabad, Bihar.
5. Ravindra Kumar, Son of Late Suryadeo Ram Resident of Village- Nurganj, P.S.- Barun, Block- Barun, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Collector Aurangabad, Bihar.
4. The Sub Divisional Officer Aurangabad, Bihar.
5. The Deputy Collector Land Reforms, Aurangabad, Bihar.
6. The Circle Officer Barun, Aurangabad, Bihar.
7. The Manager National Highway Authority of India.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar Singh, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18
For the NHAI	:	Mr. Kumar Goutam, Advocate
		Ms. Priyanshu Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 15-06-2026

Heard the learned counsel for the parties.

2. The present writ application has been filed for the following reliefs:

“(i) To issue writ setting aside of



Certiorari order the for bearing letter No.550 dated 12.3.2019 issued by the Deputy Collector Land Reforms, Aurangabad by which the petitioners have been informed that their land appertaining to Khata No.215, Plot No.1418, Area 7.65 Acres is Kaishere Hind land as such no compensations for the acquisition of the said land can be paid.

(ii) To issue writ of Mandamus commanding upon the Circle Officer Barun to produce letter No.1555 dated 28.11.2018 and upon production the same may be set aside.

(iii) To hold and declare that the land appertaining to Khata No.215, Plot No.1418, Area 7.65. Acres, Mauza Barun had been settled by the ex-land lord in favour of ancestors of petitioners 1.8.1948 and since then on the petitioners family is in open, peaceful, and valid possession of the said land and has been paying rent of the said land earlier to ex-land lord and after 01.01.1946 to the State of Bihar.

(iv) To grant any other relief or reliefs for which the petitioners may be found entitled to in the facts and circumstances of the case.”

3. The learned counsel for the petitioners, at the outset, submits that he shall be satisfied if the present writ application is disposed of with a liberty to the petitioners to approach the competent Authority, who shall in turn refer the matter to the Principal Civil Court of original jurisdiction where



the land in question is situated, as contemplated under Section 3H(4) of the National Highway Act, 1956. It has been submitted that though the State has categorically submitted that the title suit filed has been dismissed earlier, however, on fresh instructions, the State has come out with a stand that no restoration application has been filed till date.

4. The learned counsel for the petitioners submits that since the land was given to the forefathers of the petitioners through a hukumnama in the year 1948 and since then the ancestor of the petitioner, namely, Vanslochan Dusad, has been paying rent to the ex-landlord since 01.08.1948 and after vesting of Zamindari, the rent was paid to the State of Bihar and which was being duly accepted and rent receipts were granted in favour of the ancestors of the petitioners.

5. The learned counsel for the petitioners has, thus, submitted that a very long-standing entry in favour of the ancestors of the petitioners is trying to be disturbed, however, in view of the title suit, the petitioners shall be satisfied if the matter is referred to under Section 3H(4) of the National Highway Act, 1956.

6. The learned counsel for the petitioner has relied upon an order passed by a Co-ordinate Bench of this Hon'ble



Court passed in CWJC No. 8303 of 2020 dated 09.11.2022, wherein this Court, taking into account the long-standing jamabandi of the land in question in the name of the predecessors of the petitioners since 1948, had granted liberty to the District Magistrate, Aurangabad, to file title suit for cancellation of a long-standing jamabandi and has also directed for the disposal of the suit within a period of one year and in default of the same, a direction was also given to release the amount in favour of the petitioners of the said writ application.

7. It has, thus, been submitted that the present writ application be also disposed of in the same terms.

8. The learned AC to GP-18 as well as the learned counsel appearing on behalf of the NHAI does not dispute such prayer made on behalf of the petitioners.

9. In view of such submissions and taking into account the facts and circumstances of the present case, especially the fact that the land in question had been in the possession of the forefathers of the petitioners since 01.08.1948 through a hukumnama, let the State pursue the Title Suit No.338 of 2020.

10. It is further directed that the compensation amount admissible to the petitioners shall be kept in a separate account



by the District Magistrate, Aurangabad, Bihar.

11. It is further directed that the District Court shall ensure that the title suit is decided within a period of one year.

12. The petitioners are also given liberty to pray for release of the amount, if the title suit is not decided within a year from today, especially on account of non-cooperation of the plaintiff-State of Bihar.

13. The writ application is disposed of with the aforesaid liberty.

(Sourendra Pandey, J)

manoj/anjali-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.06.2026
Transmission Date	NA

