

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21661 of 2014

=====

1. Ramugrah Singh Son of Late Khemaraj Singh @ Karu Singh
2. Rameshwar Singh Son of Late Karu Singh
3. Kamal Singh Son of Late Mukhalal Singh
4. Sarjug Singh Son of Late Lakhan Singh
5. Mahendra Singh Son of Late Rewa Chand Singh
6. Sudama Singh Son of Late Gopi Singh

All resident of village - Dhanraj Tola, P.S. - Khusharupur, District - Patna

7. Manisha Devi Wife of Raj Kumar Prasad, Resident of Village - Chainnpur, P.S.- Khusharupur, District - Patna presently residing at village - Dhanraj Tola P.S.- Khusharupur, District - Patna

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Patna
3. The Additional Collector, Patna
4. The District Land Acquisition Officer, Patna-cum-Competent Authority, Patna
5. The Sub-Divisional Officer, Patna City, Patna.
6. The Deputy Collector Land Reforms, Patna City, Patna.
7. The Anchal Adhikari, Khusharupur, Patna.
8. The Chairman, National Highway Authority of India, New Delhi
9. The Project Director, Patna, National Highway Authority of India.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate
For the Respondents : Mr. Chittranjan Sinha, Pr. AAG 2
Ms. Ratna Kumari, AC to Pr. AAG 2
For the NHAI : Mr. S. N. Pathak, SC (NHAI)

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioners, learned counsel
for the State as well as learned Standing Counsel for the respondent-
National Highway Authority of India.

2. The present writ petition has been filed for a direction
to the respondents to make payment of amount of compensation for
the lands which have already been acquired for construction of Patna-



Bakhtiyarpur N.H. 30 Four-Lane Road with penal interest calculated thereon @ 15% per annum.

3. Learned counsel for the petitioners submits that the petitioners are entitled to payment of amount of compensation in respect of their lands which have been acquired for construction of Patna-Bakhtiyarpur N.H. 30 Four-Lane Road as they are entitled to be treated as *raiya*s of the land in question in terms of Clause 3 'Ch' of resolution no. 6/Kh. M. Vividh (V. Mallik)-01/2013-925(6)/Ra, dated 11.11.2014 of the Department of Revenue & Land Reforms, Government of Bihar. Applications have been filed by the petitioners for payment of amount of compensation before the District Land Acquisition Officer, Patna as contained in Annexure-5 series of the writ petition.

4. Learned counsel for the respondent-NHAI appears and invites attention to the letter contained in Memo No. 437 dated 03.03.2015 whereby the District Land Acquisition Officer, Patna has requested the Deputy Collector, Land Reforms, Patna City to decide the matter of declaration of Bakast Malik land as rayaiti, in absence of which the matter of payment of compensation amount has not been proceeded with.

5. Having regard to the nature of the prayer made in the writ petition and the stand of the parties, the writ petition is disposed of with a direction to the Deputy Collector, Land Reforms, Patna City to



take a final decision in the matter referred as aforesaid expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment. It is further directed that the District Land Acquisition Officer, Patna-cum-Competent Authority, Patna shall consider and dispose of the petitioners' applications (Annexure-5 series), if still pending, on their own merits and in accordance with law after grant of opportunity of hearing to the petitioners within a further period of one month from the date of the decision of the Deputy Collector, Land Reforms.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.10.2017
Transmission Date	N.A.

