

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3518 of 2016

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1. Satyanarain Singh Son of Late Mukhlal Singh Resident of village -
Patedha, P.O. Saidpur Patedha, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms,
Old Secretariat, Patna
2. The Director, Land Acquisition, Directorate of Land Acquisition,
Ministry of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Collector, Vaishali at Hajipur
4. The Additional Collector, Land Revenue, Vaishali at Hajipur
5. The Land Acquisition officer, Vaishali at Hajipur
6. The Circle Officer, Bhagwanpur Block, District - Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Respondent/s : Mr. SC1- M.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-09-2018 Heard both sides.

The petitioner by filing this writ petition prayed for a direction to the respondents to make payment of compensation at the commercial rate for 3.5 decimals of Khata No.86, Khesra No.530 of the petitioner acquired by respondents for the construction of Fourlane N.H.77 in village Saidpur Patedha, Circle-Bhagwanpur, P.S. Sarai District Vaishali according to the provisions as contained in Land Acquisition Act, 2013.

Learned counsel for the petitioner submits that Ministry of Road Transport issued a notification under Section 3A of the National Highways Act to acquire the land of the petitioner and



others for the construction of Fourlane of N.H.77. The entire land of the petitioner was commercial but the respondent declared only 9 decimals of land as commercial and 9 decimals as residential. Initially the land was in the name of Aklu Sahni. Aklu Sahni has two sons namely Gajadhar Sahni and Singhasan Sahni. The petitioner purchased the land from Shuklu Sahni son of Sundar Sahni who was the grandson of Gajadhar Sahni by two sale deeds and the name of the petitioner was mutated. Out of $6\frac{3}{4}$ decimals, 3.5 decimals land was acquired. There was tyre shop on the land. The land was acquired and compensation was paid under the provisions of Land Acquisition Act, 1894. Since the compensation has not been paid at the commercial rate, therefore, the petitioner is entitled to get compensation at the commercial rate under the provisions of the new Act(Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) but I do not find the submission of the learned counsel for the petitioner acceptable. Admittedly, the land of the petitioner was acquired much prior to the Land Acquisition Act, 2013. The petitioner did not raise any objection with regard to the nature of land under Section 3A of the National Highways Act after issuance of notification under Section 3A of the National Highways Act. There is a provision for objection with regard to



the nature of land as mentioned in the notification and on such objection, the authority is to decide the nature of the land and pay the compensation under the provisions of Section 3(C). The petitioner never raised such objection either with regard to the nature of land or with regard to the rate of compensation. The petitioner received the entire compensation much before coming into force of the new Land Acquisition Act in 2013. The petitioner filed this writ petition in the year 2016.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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