

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10278 of 2019

1. Mahangi Devi D/o Sunar Sah, Wife of Ramawtar Sah Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
2. Raghubansh Yadav son of Ramsagar Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
3. Jitendra Yadav Son of Ramsagar Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
4. Bhola Yadav Son of Ramsagar Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
5. Dulari Devi Wife of Chandeshwari Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
6. Kishor Yadav @ Kishor Prasad Yadav Son of Chandeshwari Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
7. Ram Naresh Yadav @ Naresh @ Ram Naresh Son of Dukha Yadav Resident of Village- Manori, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
8. Chandra Prakash @ Chandra Prakash Yadav, @ Pintu Yadav Son of Chandeshwari Yadav Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
9. Laxman Sah Son of Sukhdev Sah Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
10. Domi Badai Son of Sigheshwar Sutihaar. Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
11. Kanchan Devi Wife of Kunkun Sah @ Tuntun Sah Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
12. Kishor Sah @ Kishor Sah Son of Dila Sah Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
13. Nand Lal Sah @ Nande Lal Sah Son of Sita Ram Sah Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
14. Ramu Devi @ Rama Devi Wife of Shankar Swarnkar Resident of Village- Sonbarsa Raj, Ward No. 10, P.S.- Sonbarsa Raj, District- Saharsa.
15. Shivu Kamat Son of Banke Lal Kamat Resident of Village- Sonbarsa Raj, Ward No. 6, P.S.- Sonbarsa Raj, District- Saharsa.
16. Kamleshwari Kamat @ Kamleshwari Biswas Son of Ramprasad Biswas Resident of Village- Sonbarsa Raj, Ward No. 6, P.S.- Sonbarsa Raj, District- Saharsa.
17. Tuntun Mukhiya Son of Sahdev Mukhiya Resident of Village- Sonbarsa Raj, Ward No. 6, P.S.- Sonbarsa Raj, District- Saharsa.
18. Chandeshwari Prasad Yadav @ Chandeshwari Yadav Son of Late Maheshwari Yadav Resident of Village- Manori, P.S.- Sonbarsa Raj, District- Saharsa.
19. Sone Lal Sharma Son of Soti Sharma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.



20. Bindeshwari Sharma Son of Soti Lal Sharma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.
21. Nand Kishor Sharma Son of Sotilal Sharma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.
22. Hira Devi Wife of Umesh Saharma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.
23. Babita Devi D/o Janak Lal Mistry, Wife of Pitambar Sahrma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.
24. Raushan Sharma Son of Chedi Lal Sharma Resident of Village- Manori, Ward No. 13, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary Revenue Land Reforms Department, Govt. of Bihar, Patna.
3. The Director Revenue Land Reforms, Water Resources Department, Govt. of Bihar.
4. The District Magistrate/ Collector Saharsa, District- Saharsa.
5. The Special Land Acquisition Officer Saharsa, District- Saharsa.
6. The District Land Acquisition Officer Saharsa, District- Saharsa.
7. The Sub Divisional Officer Saharsa, District- Saharsa.
8. The Land Reform Deputy Collector Saharsa, District- Saharsa.
9. The Anchaladhikari Sonbarsa Raj, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra Mr. Dhananjay Kr. Gupta Rajiv Ranjan
For the State	s	Mr.Raj Kumar Roy (GP18)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-05-2019 Though, this matter has been placed with office notes, pointing out certain defects, considering the nature of relief, which the petitioners are seeking, and the nature of the order, which I intend to pass, the said defects have been ignored



and I have proceeded to hear the matter on merits.

The petitioners, 24 in number, assert that their lands have been acquired under the provisions of the National Highways Act, 1956 (for short 'the Act of 1956') for the purpose of widening of a national highways. They have a grievance that the lands so acquired have been wrongly treated as agricultural in nature, whereas the correct nature of the lands is residential. The award appears to have been prepared by the competent authority, treating the said lands as agricultural.

In my view, the petitioner have remedy under Section 3-G (5) of the Act of 1956, which they have not invoked.

This writ application is, thus, disposed of with an observation that the petitioners shall be at liberty to invoke Section 3-G(5) of the Act of 1956 for redressal of their grievance(s).

(Chakradhari Sharan Singh, J)

HR/-

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