

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12098 of 2019

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1. Hasibur Rahman S/o Md. Muslim Vill.- Islampur, P.s.- Jhaua, Distt.- Katihar
 2. Shree Ram Sah S/o Shyamanand Sah Vill.- Kachora, P.s.- Kadwa, Distt.- Katihar
 3. Yadu Nandan Vishwas S/o Futati Bishwas Vill.- Kachora, P.s.- Kadwa, Distt.- Katihar
 4. Parmanand Mandal S/o Narayan Mandal Vill.- Kachora, P.s.- Kadwa, Distt.- Katihar
 5. Kamaldeo Mandal S/o Mantun Mandal Vill.- Kachora, P.s.- Kadwa, Distt.- Katihar

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Road Transport and Highway, New Delhi
2. The Chairman National Highway Authority, Ministry of Road Transport and Highway, New Delhi
3. The Engineer-in-Chief National Highway Authority, Balin, Phulwarisharif, Patna
4. The State of Bihar through the Principal Secretary, Department of Road Construction, Bihar, Patna
5. The District Magistrate-cum-District Collector Katihar
6. The Addl. Collector Katihar
7. The Land Acquisition Officer Katihar
8. The District Development Commissioner Katihar
9. The S.D.O. Barsai, Katihar
10. The Executive Engineer Department of Rural Works, Katihar
11. The Executive Engineer Department of Road Construction, Katihar
12. The Circle Officer Kadwa, Distt.- Katihar
13. The Block Development Officer Kadwa, Distt.- Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.Chitranjan Sinha (PAAG-2)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-07-2019 Heard learned counsel for the parties.



2. The petitioners are seeking direction to the respondents to pay adequate compensation to them for utilizing their *raiyati* land for the purpose of construction/widening of N.H.-98. The description of land has been given in paragraph 8 of the writ application, which according to the petitioners is located within the district of Katihar. It is the petitioners' grievance that in 2011-12 itself their lands were used for construction of road without acquiring the land and paying due amount of compensation. Now the said road is being widened and National Highway is being constructed, without taking care of entitlement of these petitioners for their due compensation.

3. If the assertions of the petitioners that their *raiyati* land was utilized for the purpose of construction of road in the year 2011-12 is accepted, I do not find any explanation on record to justify a belated claim being raised nearly eight years after such construction. No document has been shown to this court to establish a case that the National Highways Authority of India ever notified acquisition of land over which the petitioners are claiming their title. Whether the land over which the construction of National Highway is being made belongs to the petitioners or not cannot be decided in the present proceeding. The petitioners claim that they had approached the Sub-



Divisional Officer, Katihar, Additional District Magistrate, Katihar and the District Magistrate, Katihar but the said statements do not inspire much confidence. Nothing has been mentioned as to the mode of making the representation i.e., by post or by physically handing over the said representation to the office of the competent authority.

4. This writ application is, however, disposed of with the observation that the petitioners shall be at liberty to approach the competent authority, in accordance with law, by making appropriate application along with the proof of their claim within two months from today. If they do so, the same shall be considered and disposed of within three months thereafter.

5. This disposes of the application.

(Chakradhari Sharan Singh, J)

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