

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14885 of 2016

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Heeramani Devi, wife of Late Akhilesh Manjhi, resident of Village- Nadaul,
P.S.-Mashaurhi, District- Patna

... .. Petitioner/s

Versus

1. The Union of India, through Secretary National Highway and Surface Transport Department, Central Secretariat, New Delhi.
2. National Highway and Surface Transport Department, through its Secretary, Central Secretariat, New Delhi
3. The District, National Highway Authority of India, Dwarika, Delhi
4. Regional Officer, National Highway Authority of India, S.K. Puri, Patna
5. The Project Director, National Highway Authority of India, S.K. Puri, Patna
6. The State of Bihar, through its Principal Secretary, Road Construction Department, Government of Bihar, Patna
7. The District Magistrate, Patna
8. The District Land Acquisition Officer, Patna
9. The Anchal Adhikari, Mashauri, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha, SC-26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-03-2021

Petitioner has prayed for the following relief(s):



“1(i). For the issuance of an appropriate writ/order or direction(s) for commanding and directing the respondents authority to fix proper value i.e. four times of her land bearing plot No.- 305 under Khata No-112 measuring an area of 3 decimals situated on N.H. 83, also known as Patna-Gaya-Dobhi Road in Mauja-Nadaul Anchal-Mashaurhi, district-Patna which is purchased land of the petitioner but the said land has been published in the Gazette of India as government Land/non agricultural instead of Nij/commercial in the daily newspaper Hindustan on 14.04.2011.

(ii) That the present writ application is being filed for issuance of an appropriate writ/order or directions for commanding and directing the respondents authorities to declare/publish the land of the petitioner bearing Plot No. 305, Khata No.-112 as Nij/private/residential in government Gazette in place of governmental/non-residential on the ground that the publication of Gazette on in daily newspaper Hindustan was made without verifying the government record and spot verification.

(iii) That the present writ application is being filed for issuance of an appropriate writ/order as direction(s) directing or commanding the respondents authority to allow the petitioner to raise objection before the authority on the ground that the land of the petitioner was shown in government Gazette



published as on governmental/non-agricultural instead of private/residential and no notice was served upon the petitioner in the land acquisition matter.

(iv) And for any other relief(s) for which the petitioner may be found to be entitled to in the present facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to initiate proceedings under the provisions of National High Way Authority Act, 1956.

Permission granted, clarifying that the initiation/pendency of such petitions/proceedings shall not come in the way of early completion of the project and no Court other than the Constitutional Court, shall pass any interim order staying the operation of the project in a petition preferred by the present writ petitioner.

Needless to add, the issue of delay is left open and shall be considered by the appropriate Court in an appropriate proceedings, accounting for the pendency of the present petition.

Petition stands dismissed as withdrawn with the above observations and directions.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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