

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22733 of 2018**

---

1. Jai Nandan Kumar, Son of Late Sitaram Choudhary, Resident of Village- Chakand Bazar, P.S.- Chakand, District- Gaya.
2. Rajendra Choudhary.
3. Krishna Choudhary. Both Son of Late Ambika Choudhary, Resident of Village- Erki, P.S. District- Jehanabad.

... .. Petitioner/s

Versus

1. The Union Of India, through the Secretary, Ministry of Road Transport and National Highway, New Delhi
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Magistrate, Jehanabad.
6. The District Land Acquisition Officer, Gaya.
7. The District Land Acquisition Officer, Jehanabad.
8. The Additional Collector-Cum- Arbitrator, Jehanabad.
9. The Project Director, National Highway Authority of India Project Implementation Unit, Gaya, House
10. The Circle Officer, Jehanabad.

... .. Respondent/s

---

**Appearance :**

For the Petitioner/s : Mr.Lakshmi Kant Sharma, Advocate  
For the Respondent/s : Mr.Sajid Salim Khan -SC 25

---

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

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      15-03-2021      Petitioner has prayed for the following relief(s):

“1. For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 05.06.2018 passed in



Arbitration case no. 392/2017-18 by Respondent No. 8, the Additional Collector Cum Arbitrator, held the plot no. 309, 318, 319 respectively as parti-agriculture land and refused to accept the status of land as commercial/residential.

Petitioner further seeks Hon'ble Court's indulgence for issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to grant compensation to petitioners by treating their acquired land as Commercial/residential appertaining to Khata no. 130, Plot no. 309, Area 2.669 Decimals so far it relates to petitioner no. 1, Khata no. 130, Plot no. 309, Area-7.81255 decimals, Khata no. 131, Plot no. 319, 318, Area- 7.58 decimals and 23.9 decimals so far it relates to petitioner no. 2 and 3 as in the same plot same arbitrator already allowed the claim of other land holders in arbitration case no. 40/2015-16 by holding the plot as residential vide order dated 30.09.2016 and accordingly awarded them compensation by treating those lands as residential and thus petitioners may also be entitled for same amount of compensation.

Petitioner further seeks any other relief/reliefs for which they are found entitled in the eye of law and in the facts and circumstances of the present 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/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

