

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16511 of 2016

1. Sheo Balak Choudhary
2. Sheo Sharan Choudhary
Both Sons of Late Bhagwan Choudhary
3. Naresh Choudhary son of Late Sita Ram Choudhary
4. Akhilesh Choudhary son of Late Sita Ram Choudhary
5. Most. Makhauli Devi Wife of Late Sheo Lakhan Choudhary
All residents of village - Nadaul, P.S. - Masharui, 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.
7. The District Magistrate, Patna.
8. The District Land Acquisition Officer, Patna.
9. The Anchal Adhikari, Mashauri, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Anuradha Singh- SC21

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):

“i. For the issuance of appropriate writ/order or direction(s) for commanding and directing the respondents to declare/publish the land of the



petitioners bearing plot no.-301, 302 under khata no.-111 and 119 situated on NH 83 also known as Patna-Gaya-Dobhi Road in Mauja Nadaul, P.S. - Mashaurhi, district – Patna as Nij/residential/commercial in place of Government/non agricultural on the ground that upon the Sid land market of the petitioner is existing since long and Gazette of India was published in daily newspaper Hindustan on 11.04.2011 without verifying the Government revenue record and spot verification.

ii. For the issuance of appropriate writ/order or direction(s) for commanding and directing the respondents authority to fix proper compensation of the land building of the petitioner i.e. four times of Plot No.- 301 and 302, Khata no.-111 and 119 situated in Mauja- Nadaul, P.S. - Mashaurhi, district – Patna declaring the said land as Nij/Commercial on the ground that upon the said plot, market is existing since long.

iii. For the issuance of appropriate writ/order or direction(s) for commanding and directing the respondents authority to dispose of the representation of the petitioner relating to declare their land/building as Nij/Commercial on the ground that the publication of Gazette was made without verifying the documents, Government record and spot verification.

iv. For the issuance of appropriate writ/order or direction(s) for restraining the respondents authority from acquiring the petitioner building in the name of the government/non agricultural land



with wrong projection of Plot No.-301 and 302 situated on NH-83 in Mauja-Nadaul, district – Patna and also for commanding the respondents to modify in the alignment in consideration of the petitioners representations.

v. For any other relief(s) for which the petitioner may be found to be entitled to 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/DKS

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