

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1801 of 2016

1. Krishna Chandra Prasad Sinha and Ors son of Late Ram Narayan Sinha R/o village - Talkhipur, Dumra, Ward No. 2, P.S. - Dumra, District - Sitamarhi.
2. Amritesh Kumar son of late Ramashish Thakur
3. Smt. Shakuntla Kumari wife of Sri Jai Narain Thakur
4. Jai Narain Thakur son of Late Subedar Thakur
5. Madhurendra Thakur son of Jai Narain Thakur
6. Dhirendra Thakur son of Jai Narain Thakur
- 7.1. Uma Shankar thakur Son of late Raj Mangal Thakur
- 7.2. Hari Shankar Thakur Son of late Raj Mangal Thakur
- 7.3. Prem Shankar Thakur Son of late Raj Mangal Thakur
- 7.4. Heera Devi, Married daugSon of late Raj Mangal Thakurhter D/o of late Raj Mangal Thakur
- 7.5. Indu Devi, Married daughter D/o of late Raj Mangal Thakur
8. Prabha Shankar Thakur son of Late Ram Shobhit Thakur
9. Rajeev Kumar Thakur son of Late Ram Shobhit Thakur All R/o village - Mirzapur Aamra, P.S. and District - Sitamarhi.

... .. Petitioners.

Versus

1. The State of Bihar.
2. The Collector, Sitamarhi, District - Sitamarhi.
3. The Additional Collector, Sitamarhi, District - Sitamarhi.
4. The Land Acquisition Officer, Sitamarhi, District - Sitamarhi.
5. The Circle Officer, Dumra, District - Sitamarhi.
6. The Executive Engineer, N.H. Division, Sitamarhi.
7. The Project Director, N.H. Division, North Bihar, Muzaffarpur.

... .. Respondents.

Appearance :

For the Petitioners	:	Mr. D.K. Sinha, Senior Advocate. Mr. Ashok Kumar Jha, Advocate.
For the Respondent/s	:	Mr. P.K. Verma, AAG-2.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioners and learned
counsel for the State.



This writ petition has been filed for seeking following reliefs:

(i) For issuance of a writ in the nature of Certiorari for setting aside the notice issued in connection with Land Acquisition Case No. 2/2015-16 being Award No. 95 of Khesra No. 1439, Award No. 17 Khesra No. 568, Award No. 10 Khesra No. 570, Award No. 96 Khesra No. 1445, Award No. 70 Khesra No. 1013, Award No. 11 Khesra No. 569, Award No. 72 Khesra No. 1061, Award No. 94 Khesra No. 1438, Award No. 70 Khesra No. 1013, Award No. 12 Khesra No. 568, Award No. 72 Khesra No. 1061 and all the Awards were prepared and notices (Annexure-8) were issued without disposing of the objection filed by the petitioners just after publication of Gazette Notification dated 16th July, 2012 published under Section 3A (1) of the National Highway Act 156 (hereinafter referred to as the Act) and also did not consider the report of the Circle Officer by which the lands of the petitioners have been shown as commercial and the Awards have been prepared showing the land to be agricultural one.

(ii) For issuance of a writ in the nature of Mandamus directing the concerned respondent authorities to pay the appropriate compensation considered the report of the Circle



Office treating it to be in commercial land which has been acquired vide L.A. Case No. 02/2015-16.

(iii) For any other relief/reliefs for which the petitioner is entitled for in the facts and circumstances of the case.

Learned counsel for the petitioners submits that they are the owners of the different land pertaining to different Khata numbers and different areas. They have got their houses and business premises upon the disputed land and are holding possession as such over the same. Their lands were acquired by the government for construction of N.H. 104 and objection was made by them before the Executive Officer N.H. Division, Sitamarhi. The land acquisition proceedings were initiated without holding any enquiry and without considering the grade of disputed land. The petitioners raised their grievance before the different respondent authorities but without success. The objections made by the petitioners and none deciding the same by the authorities concerned, the petitioners have not received the compensation amount which has been fixed arbitrarily at the lower rate without considering the nature of the disputed land ignoring the report of the competent authority to be commercial one and the photographs of the land also show that the



residential houses and business premises are situated over the disputed land.

Having heard the parties, in my view, no useful purpose would be served in keeping this writ petition pending before this Court.

Accordingly, this writ petition is disposed of with a direction to the petitioners to file a fresh representation before the concerned authority along with a copy of this order and the concerned authority would be obliged to decide the same in accordance with law by a reasoned and speaking order within a period of two months from the date of filing of such representation after giving proper opportunity of hearing to the parties concerned.

It is made clear that the concerned authority would be solely responsible for non-compliance of this order within the stipulated period, as aforesaid.

In the meantime, the respondents are directed not to disturb the petitioners for one week and this time may be utilized by the petitioners for shifting their premises.

(Anjani Kumar Sharan, J)

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