

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16225 of 2017**

Ram Gulam Prasad S/o Shiv Lal Sao resident of Village- Bairamchak, P.S.-  
Mashauri, 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. The Regional Officer Highways Authority of India, S.K. Puri, Patna.
5. The Project Director, National Highways 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

**Appearance :**

For the Petitioner/s : Mr.Satyendra Prasad Singh, Advocate  
For the Respondent/s : Mr. Dr. K.N. Singh, ASG

**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):

“i. For the issuance of an appropriate writ/order or directions for quashing the order/notice dated 5/11/2014 passed in L.A. Case no. 62/2013-14 by the District Land Acquisition Officer, Patna, Respondent No.-8 Annexure 2 and 3 by which the Respondent No.8 has been pleased to fix compensation of rupees 11,92,158.66 (eleven



lakh ninety two thousand one hundred and fifty eight rupees and sixty six paise.) of plot no.-206 under khata no. 61 area 0.42007 acre situated in Mauja, Bairamchak under section 3G of the National Highway Authority Act, 1956 and further directed the petitioner to hand over the possession to the undersigned under section 3E of the National Highway Authority Act, 1956 on the ground that no proper valuation was assessed and same was done without proper spot verification and same was published in the Gazette Of India as Agricultural land instead of Commercial/Residential land as contained in ANNEXURE-1 to this writ petition.

ii. For the issuance of an appropriate writ/order or directions for directing and commanding the respondent authority to fix proper compensation/value i.e. four times of his land bearing Plot no.-206 khata no. 61 area 0.42007 acre under Thana no. 259 situated in Mauja in Bairamchak, Anchal and P.S.-Mashauri, District- Patna situated on N.H. 83 known as Patna-Gaya-Dobhi road. The above land is commercial/residential land and pay compensation accordingly in accordance with law as the said land is situated adjacent east of N.H. 83.

iii. For issuance of an appropriate a writ/order or directions for directing and commanding the respondent authority to



declare/publish the land of the petitioner bearing Plot no.-206 khata no.-61, Thana no.-259 situated in Mauja, Bairamchak as Nij/Commercial/Residential land in the Gazette Of India in place of agricultural land on the ground that the publication of Gazette in daily newspaper was made without verifying the spot verification.

iv. For the issuance of an appropriate writ/order or directions for directing and commanding the respondent authority to allow the petitioner to raise objection in L.A. Case no.- 62/2013-14 for proper valuation of his land on the ground that the land of the petitioner shown in the Gazette Of India as agricultural land instead of Nij/Commercial/Residential land and wrongly evaluation was assessed with respect of plot no. 206 of rupees 11,92,158.66 (eleven lakh ninety two thousand one hundred and fifty eight rupees and sixty six paise.) for an area of 0.42007 acre under section 3G of the National Highway Authority Act, 1956 without considering the proper verification of the actual position of the land.

v. For the issuance of an appropriate writ/order or directions for directing and commanding the respondents to provide actual compensation that is four times for which the petitioner is entitled for in the 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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