

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2936 of 2021

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1. Manoj Kumar Son of Late Mahendra Prasad Resident of Village- Natwar Kalan, P.O. and P.S.- Natwar, District- Rohtas (Bihar)- 802218.
 2. Munna Kumar Son of Late Baleshwar Prasad Resident of Village- Tenuaj Bazar, Natwar, P.O. and P.S.- Natwar, District- Rohtas (Bihar)- 802218.

... .. Petitioner/s

Versus

1. The State of Bihar through the Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. Department of Revenue and Land Reforms, Government of Bihar, through the Principal Secretary, Bihar at Patna.
3. Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. National Highway Authority of India through the Project Director, Regional Office, Bihar at Patna.
5. Project Director, National Highway Authority of India, Bihar at Patna.
6. District Magistrate cum Collector, Rohtas, Sasaram, District- Rohtas (Sasaram).
7. District Land Acquisition Officer, Rohtas, Sasaram, District- Rohtas at Sasaram.
8. Deputy Collector, Land Reforms, Bikramganj, District- Rohtas Sasaram.
9. The Circle Officer, Dinara, District- Rohtas (Sasaram).
10. Ashoka Buildcon Limited through its Site Manager, office at R.S. Complex, Plot No- 159, Khata No- 44, Ward No- 8, Kochas, Near Police Station, Village Hematpur, Block- Kochas, District- Rohtas, Pin Code- 821112.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate
For the Respondents	:	Mr. Raj Kishore Roy, GP 18 Ms. Perna Anand, AC to GP 18
For the NHAI	:	Mr. S.N. Pathak, SC Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 10-11-2022

Heard the parties.

Pursuant to the order of this Court dated 20.09.2022,



Mr. Awadhesh Singh, the Regional Officer, NHAI, Bihar is personally present in this Court.

There is no dispute that the land in question belonging to the petitioners which is the subject matter of the writ petition has not been acquired. It is jointly submitted by the State and the NHAI that the land in question has not been acquired and not required for any future project and therefore, there is no reason for not releasing the land in favour of the petitioners but no release order is being passed either by NHAI or by the State. This is creating a problem for the petitioners.

Considering the facts of this case and the submissions of the parties, this application is allowed. The land of the petitioners shall not be treated to have been acquired. No impediment shall be caused either by the State or by the NHAI in enjoyment of the land by the petitioners. The petitioners are free to demarcate, construct the boundary wall and transfer their land in question. Any disturbance to the petitioners will be treated as contempt of court. If any disturbance is made either by NHAI, or by the State or by any other instrumentality of the State, the petitioners will be liberty to file a revival petition by way of interlocutory application for initiating a contempt proceeding against concerned officials of NHAI or the State.



With the aforesaid observation and direction, this writ
petition is allowed.

(Sandeep Kumar, J)

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