

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6272 of 2020

Birendra Pratap Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6842 of 2020

Dhirendra Pratap Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6272 of 2020)

For the Petitioner/s : Mr.Ved Prakash Srivastva

For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

(In Civil Writ Jurisdiction Case No. 6842 of 2020)

For the Petitioner/s : Mr.Ved Prakash Srivastva

For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

For the NHAI : Mr. Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 01-12-2022 It has been submitted by Mr. Kumar Gautam, that on the last dates, he had appeared on for the NHAI but his name could not be typed in the appearance of the cause title of the order dated 15.11.2022 and 12.10.2022.

Let the name of Mr. Kumar Gautam, learned counsel for the NHAI be deemed to have appeared.

Heard the parties.

It has been submitted by the petitioner that the land in



question was purchased by the predecessors of the petitioner on 18.09.1933 in auction and a sale deed was executed by the representative of the then Viceroy.

Now, an objection has been raised by the respondent authorities saying that the land is recorded as “Kaisare Hind Land” in the revenue records and therefore, petitioner is not entitled to the possession.

This dispute as to the title of the land cannot be decided in a writ proceeding. The petitioner may approach the District Land Acquisition Officer who is empowered to refer the dispute to the Principal Civil Court under Section 3(H)4 of the National Highways Act, 1956.

If any prayer for reference is made by the Petitioner, the District Land Acquisition Officer is bound to consider the same in accordance with law and refer the matter under Section 3(H)4 to the Principal Civil Court under whose jurisdiction the land is situated.

If the matter is referred to the Principal Civil Court then the presiding officer of the Court will decide the same within a year of its reference.

The NHAI and the State are directed to deposit the amount of compensation in the Court of District Judge



concerned as is being done in other similar matters so that, in case, the petitioner succeeds, he will not have to run for the execution.

The petitioner will be entitled to raise all the dispute before the District Land Acquisition Officer which shall be referred to the Principal Civil Court.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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