

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4310 of 2020

- 1.1. Siya Ram Yadav, Son of Late Ganauri Yadav, Resident of Village- Mansar, P.S.-Nathnagar, District- Bhagalpur.
- 1.2. Mantu Yadav, Son of Late Ganauri Yadav, Resident of Village- Mansar, P.S.-Nathnagar, District- Bhagalpur.
- 1.3. Kamal Kumar, Son of Late Ganauri Yadav, Resident of Village- Mansar, P.S.-Nathnagar, District- Bhagalpur.
- 1.4. Suman Kumar, Son of Late Ganauri Yadav, Resident of Village- Mansar, P.S.-Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Revenue and Land Department, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Land Acquisition Officer, Bhagalpur.
5. The Circle Officer, Nathnagar, District-Bhagalpur.
6. The Executive Engineer, National Highway Division, Road Construction Department, Bhagalpur.
7. The Secretary, Ministry of Road Transport and Highways, Union of India, New Delhi.
8. The Divisional Commissioner cum Arbitrator, Bhagalpur Div., Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tarun Prasad Mandal, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12 Mr. Asif Kalim, AC to AAG-12
For NHAI	:	Mr. S.N. Pathak, S.C Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 28-04-2023

1. Heard learned counsel for the parties.

2. The petitioners have filed the instant application for
the following relief(s):-

“That this is an application for appropriate writ order



or direction directing the respondent concern to make allotment of fund and pay Rs. 2,20,42,129/-interest to the petitioner for acquisition of his 0.42 Acre of land of Plot No. 1855 and 1857 under Khata No. 745 situated in Mouza-Nisfambi Anchal Nathnagar, District-Bhagalpur which has been acquired for the construction of a Bypass Road for N.H.-80 and in this regard several letters including letter dated 10.06.2019 and 12.10.2019 has been issued by the Land Acquisition Officer, Bhagalpur to the Executive Engineer, N.H. Division Road Construction Department, Bhagalpur but no action has been taken.

And for any other relief (s) for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that pursuant to the direction of this Court as contained in order dated 29.8.2022 passed in the instant application, the respondent authorities ie the Commissioner, Bhagalpur Division, Bhagalpur passed an order dated 25.1.2023 in Land Acquisition Case no.21 of 2022-23 (Siya Ram Yadav & Ors. vs The State of Bihar through the Collector, Bhagalpur) to the effect that the said application is disposed of with the direction to the authorities concerned to make payment of compensation of the acquired land to the land holders within a period of two months and further direction was given to the land holders to get the land



mutated in their names.

4. Referring to the said order passed by the Commissioner, Bhagalpur Division, learned counsel for the petitioners submits that the petitioners have already applied for mutation of the land in question. However, he has serious apprehension that the authorities may delay the matter in mutating the name of the petitioners and as a result the consequential delay in payment of compensation inspite of the Commissioner's order.

5. Learned counsel appearing for the respondents submits that there is no basis for the apprehension expressed by the petitioners with respect to the authorities delaying in passing orders on his pending application for mutation.

6. Having heard learned counsel for the parties and taking into consideration the materials on record especially the order dated 25.1.2023 passed in Land Acquisition Case no.21 of 2022-23 by the Commissioner, Bhagalpur Division, Bhagalpur, this application is disposed of directing the respondent authorities to take appropriate and immediate steps for payment of compensation to the petitioners.

7. It goes without saying that the petitioners will pursue their mutation case which according to the petitioners is



already pending and the authority concerned shall decide the same expeditiously.

8. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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