

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6387 of 2020

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Punit Kumar Srivastava son of late Prem Kumar Lal @ Prem Shankar Srivastava resident of Village- Amarpura, P.O.- Belauri, P.S. Mohaniya, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue, Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Chief Engineer, National Highway, Sub- Division, Bihar, Patna.
4. The Executive Engineer, National Highway Division, Aurangabad.
5. The Executive Engineer, Road Division, Bhabua.
6. The District Magistrate, Kaimur at Bhabua.
7. The Circle Officer, Mohaniya, Kaimur at Bhabua.
8. The NHAI, through the Project Director, Bhabua.
9. The Project Director, NHAI, Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Mukul Prasad, AC to GP 18
For the NHAI	:	Mr. S.N. Pathak, Advocate
		Mr. Ashish, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

15 01-05-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has prayed for the following
relief(s) :

*“i. For issuance of an appropriate writ/s,
order/s, Direction/s to the respondents to pay
suitable compensation to the petitioner for the land
acquired by the respondents situated in village
Amarpura, P.S. Mohaniya, Thana No. 539, Khata*



No. 233, Plot No. 134, 135,136 admeasuring about 2.26 Acre of land for which title suit no. 5635 of 2014 is pending adjudication before competent court of Civil Jurisdiction, Sub-Judge- Vth, Kaimuar, Bhabua.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to construct the road on the land in question till disposal of title suit no. 5635 of 2014 wherein the State of Bihar has already put in its appearance through advocate but even then the land has been transferred to NH Division by respondent no. 5 without intimation to the petitioner vide letter dated 29.05.2015.

iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to prohibit them to construct the road pursuant to acquisition made by notification no. NH-21/ Misc.-01-54/ 2011 -4162 (S) Patna dated 14.05.2015 when the title suit bearing no. 5635/2014 was pending adjudication and the State of Bihar has already appeared in the suit and only to subvert the claim of the petitioner, the respondents acted in hurry.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.
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3. Having heard learned counsel for the parties and having perused the material on record, it is not in dispute that



the suit property which is subject matter of Title Suit no. 5635 of 2014 pending in the Court of learned Sub Judge V, Kaimur, Bhabua is the same land which is the subject matter of the instant writ application and which has been transferred by the State Authority in favour of the National Highways Authority of India ('NHAI' in short) for construction of the road.

4. Although the copy of the plaint of the said title suit is not on record, learned counsel for the petitioner does not dispute that one of the prayers of the petitioner/plaintiff in the said title suit is with respect to declaration of his title.

5. In view of the above fact, this application stands disposed of with liberty to the petitioner to move before the respondent State especially the District Land Acquisition Officer concerned for payment of compensation in accordance with law once the suit is decreed in favour of the petitioner.

6. This writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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