

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15680 of 2018**

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Md. Sohel Son of Md. Nisar Ahmad, Resident of Village-Sangram, Block and  
P.S.-Jhanjharpur, Distirct-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Madhubani.
2. The District Land Acquisition Officer, Madhubani.
3. The Project Director, N.H.A-1, Madhubani Darbhanga.

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Ram Narayan Mahto, Advocate |
| For the State        | : | Md. Khurshid Alam, AAG-12       |
| For NHAI             | : | Mr. S.N. Pathak, SC             |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

7      13-04-2023      Heard learned counsel for the parties.

The petitioner has filed the instant application for the  
following relief(s):-

*“That this is an application for issuance of an appropriate writ(s), order(s), direction (s) to the respondents to make the payment of compensation of land and building being L.A.No.124, Plot No.1219 total area 150 Sft. and area coverage by building 400 sft. which is published in Hindustan Times on 05.07.2016 and 06.07.2006 which has been acquired by Govt. N.H. 57 and all procedure has been completed and only building compensation notice has issued by District Land Acquisition Officer, Madhubani to the*



*name of petitioner's father namely Nisar Ahmad and petitioner has submitted all documents with affidavit with regard to above mentioned land and building but same has not paid to the petitioner further give the direction to make the total compensation of land and building as Commercial rate with 18% interest per annum and petitioner has filed several representations before the authorities which is pending till today”*

Learned counsel for the respondents submits that a counter affidavit has been filed on behalf of the respondent nos.1 and 2 sworn by the District Land Acquisition Officer (DLAO), Madhubani categorically stating in paragraph nos.9 and 10 of the said affidavit that the land of the petitioner is not the subject matter of acquisition for purpose of construction and widening of NH-57. As such it is submitted that no relief can be granted to the petitioner.

Having heard learned counsel for the parties, the Court deems it fit to produce paragraph nos.9 and 10 of the counter affidavit for ready reference:-

*“9. That as far as the averments contained in Paragraph No. 5 of the writ petition is concerned, it is submitted that the Plot No. 1219 of village Sangram, Anchal Jhanjharpur, District- Madhubani has not been acquired for the purpose of construction and widening of N.H.-57 through Notification No. 484 published Gazette of India on 13.05.2006.*



*10. That the averments contained in Paragraph No. 6 of the writ petition is wrong and incorrect version of fact. It is submitted that as stated above the land in question has not been acquired, for therefore, no question arises payment of compensation with respect to the aforesaid land. It is next submitted that the alleged notice for payment of compensation of building as annexed by the petitioner is forged and has been brought into existence with ulterior motive and for the purpose of wrongful gain.”*

At this stage, learned counsel for the petitioner submits that as per oral instructions received, the petitioner has received compensation for his land but has not received compensation for his building. He seeks permission to withdraw this application to move an appropriate representation before the respondent nos.2 and 3.

The application is disposed of as withdrawn.

It goes without saying that in case any representation is filed by the petitioner before the respondent authorities giving details of the land which are subject matter of acquisition, the authority concerned shall pass appropriate orders on the representation filed by the petitioner within a period of three months from the date of its filing.

Further in case the petitioner is found to be entitled to any compensation, the same shall be paid in accordance with law. In



case the petitioner is not found entitled for any compensation,  
the same shall be disposed of by a reasoned order.

**(Partha Sarthy, J)**

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