

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19409 of 2021

1. Shashi Bhushan Kumar Nirala S/o Ram Babu Singh
2. Ram Babu Singh S/o- Late Ram Chalitra Singh @ Late Chalitra Singh
3. Ravi Ranjan Rajersi S/o- Ram Babu Singh
4. Suresh Sinha Prabhakar S/o Late Dulari Singh
5. Sachchidanand Singh S/o- Late Baudhu Singh
6. Ram Naresh Singh S/o- Late Dukhan Singh
7. Indrajeet Kumar S/o- Ram Naresh Singh
8. Devnandan Singh S/o- Late Basudevan Singh
9. Vinod Singh S/o- Late Chamari Singh
10. Vinod Kumar Singh S/o- Late Dukhan Singh
All are residents of Village- Tarawan, P.O.- Pabhera, P.S.- Dhanarua,
District- Patna.
11. Narendra Kumar Singh S/o- Late Videhan Singh Village- Nadpura, P.S.-
Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and National Highways, Government of India, New Delhi.
2. The Chairman National Highway Authority of India, G-3, Sector-10, Dwarika, New Delhi.
3. The Regional Director National Highway Authority of India, Shivmitra Apartment 1st Floor Vivekanand Marg, Boring Road, Patna.
4. The Project Director National Highway Authority of India, Project Implementation Unit Gaya, House No. 70/2424, Opp. Judicial quarter, Chanakya Puri Colony, Gaya- 823001, Bihar.
5. The State of Bihar, through the Principal Secretary Department of Land Reforms and Revenue, Bihar, Patna.
6. The District Magistrate Patna.
7. The District Land Acquisition Officer cum Competent Authority Patna, Bihar.
8. The Additional Collector Land and Revenue, Patna, Bihar.
9. The Circle Officer Circle- Dhanarua, Sub-division- Masaurhi, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amar Nath Yadav, Advocate
For the NHAI	:	Ms. Vandana Kishor, Advocate
For the State	:	Mr. Navnit Kumar, A.C. to G.P.18



CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners and learned
counsel for the respondents.

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

“(i) For issuance of a writ in the nature of certiorari for quashing the notices dated 29.07.2021 respectively which bearing notice nos. 1766, 1770, 1772, 1773, 1774, 1780, 1781, 1783, 1785, 1786, 1787, 1789, 1790, 1791, 1792, 1793, 1795, 1796, 1797, 1798, 1801, 1803, 1804, 1810, 1811, 1816, 1822, 1825, 1826, 1827, 1830, 1833, 1834, 1835, 1836, 1837, respectively issued after delivering awards which vide nos. 3, 7, 9, 10, 11, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 38, 40, 41, 47, 48, 53, 59, 62, 63, 64, 67, 70, 71, 72, 73, 74, respectively without providing the petitioners proper opportunity to be heard in L.A. case No. 08/2021-22 with regard to their land acquisition, situated in Mauza- Tarawan, Circle- Dhanarua, Thana No. 310, District- Patna pertaining to the project namely NH-119D Bharatmala Amas to Ram Nagar Section by the competent authority cum District- land acquisition officer, Patna (respondent No.7) as contained in annexure-4 to this writ application whereby and where under the (District land acquisition officer) directed/ informed them (Petitioners land owners) to appear before him on 13.08.2021 with their respective documents of their plots of land which



were going to be acquired and obtain the enumerated compensation amount of money of their alleged plots of land.

(ii) For issuance of a writ in the nature of mandamus in order to command the respondents to consider the objection comprising in an application dated 10.10.2020 assigned by the petitioners contained as Annexure 3 to this writ application as well as further directed them to treat the plots of land of the petitioners as residential/ commercial in place of agriculture and further also directed them (respondents) to render them (Petitioners) the compensation by enumerating at the rate of residential/commercial.

(d) For issuance of writ in the nature of mandamus commanding and directing the respondents authority to pass and appropriate order after hearing the parties on the objection petition dated 19.08.2021 and 21.08.2021 respectively contained as annexure-5 series filed by the petitioners after issuing the notice dated 29.07.2021 before the District land acquisition officer, Patna and further directed him to modify the compensation amount which was inadequate and the contravention of the National Highway Act 1956 and ascertained once again by reckoning the said compensation amount at the rate of residential/ commercial land along with 12% interest in view of the provision laid down in the National Highway Act 1956 as well as Right to fair compensation and transparency in land acquisition, Rehabilitation and resettlement Act 2013.

(iv) For issuance of an appropriate writ



restraining the respondents from taking any step in the way of constructing the said highway without paying the proper compensation amount or till the disposal of this writ application.

(v) For issuance of any other writ/writs, direction/ directions to the respondents authorities to grant the relief/reliefs to the petitioners for which they are found to be entitled.”

After some argument, learned counsel for the petitioners seeks permission to withdraw this application to move before the appropriate Authority for filing a petition under section 3G(5) of the National Highways Act, 1956.

In case such an application is filed, the Authority concerned shall proceed to decide the same in accordance with law.

This writ application is disposed of with the aforesaid liberty giving direction to the Authority concerned to decide the application filed by the petitioners within a period of six months from the date of its filing.

(Partha Sarthy, J)

Saurabh/-

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