

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13903 of 2017

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Daroga Prasad Singh son of late Saryug Singh resident of Village Saidpur
Pathedha, Subhai Chowk, P.O. P.S. Sarai, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Land Reforms, Government of Bihar, Patna.
3. Director, Land Acquisition Bihar, New Secretariat, Patna.
4. Land Acquisition Officer, Vaishali at Hajipur.
5. The National Highway Authority of India through its Chairman, Ministry of Road Transport and Highwa
6. General Manager, National Highway Authority of India, Bihar Zone, Ministry of Road Transport and Hi
7. Regional Officer, National Highway Authority of India, Regional Office - D - 63, First Floor, Rajes

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Advocate
		Mr. Sarvendra Kumar Verma, Advocate
For the Respondent/s	:	Ms. Nutan Sahay, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 26-11-2024 Heard learned counsel for the parties.

2. In the instant petition, the petitioner has prayed for
the following relief(s):-

I. Issuance of directions order or writ in the nature of mandamus directing the Respondents to pay the compensation amount in accordance with new Land Acquisition Act, 2013 for the land acquired by the National Highway construction of four lanes NH 77 at Hajipur in District Vaishali for Khata No. 105, Khasra No. 511 Thana No. 326 Saidpur Patedha, Anchal Bhagwanpur, Registration Office Lalganj, District Vaishali for which the compensation



amount in respect of land aforesaid measuring 8 decimals was paid to the Petitioner amounting to Rs. 4,90,635.00/- vide Cheque No. 465143 dated 09.06.2011 considering the nature of the land being residential although the same was commercial as the aforesaid compensation amount was calculated on residential nature of the land hence nature of the land being commercial and the award was not prepared on commercial nature, now onwards the same be calculated as per the new Land Acquisition Act, 2013.

II. Issuance of directions order or writ in the nature of mandamus directing the Respondents to pay the compensation amount for the land acquired by the National Highway NH 77 for construction of four lanes at Hajipur in District Vaishali for Khata No. 220, Khasra No. 512, Thana No. 326, Saidpur Patedha, Anchal Bhagwanpur, Registration Office Lalganj, District Vaishali for which the compensation amount in respect of land aforesaid measuring 12 decimals was paid to the Petitioner amounting to Rs. 7,40,538.00/- vide Cheque No. 465144 dated 09.06.2011 for the nature of the land being residential although the same was commercial and further as per new Act.

III. Issuance of directions order or writ in the nature of mandamus directing the Respondents to pay the compensation amount for the house, building and shops over the aforesaid plots of the Petitioner ought to have been paid on commercial rate being its commercial nature but paid on residential nature amounting to Rs. 24,50,794.00/- vide Cheque No. 465792



dated 05.09.2011 although it should be higher than that being the nature of construction over the land in question is on commercial land and further as per the new Act.

IV. Issuance of directions order or writ in the nature of certiorari setting aside the order passed by the Addl. Collector, Vaishali on dated 16.07.2016 rejecting the claim of the Petitioner for payment of compensation on commercial rate being its nature as commercial as well as the construction of buildings, shops, etc. were on commercial nature of land.

V. Any other relief or reliefs for which the petitioner may be deemed entitled to.

3. After some hearing, learned counsel for the petitioner submits that the present writ petition may be disposed of with liberty to the petitioner for filing appropriate petition before the competent authority / Court.

4. Learned counsel for the State and learned counsel for the NHAI have no objection to this prayer of the petitioner.

5. In view of the submissions of learned counsel for the petitioner, the present Writ Petition stands disposed of with liberty to the petitioner, as prayed for.

6. It is needless to say that on filing the appropriate petition before the concerned authority/ Court, the said concerned authority/ Court shall consider the fact that on *bona*



fide advice the present writ petition has been filed on 19.09.2017 and the same has been disposed of with liberty to the petitioner.

(Sunil Dutta Mishra, J)

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