

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4112 of 2021**

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Dinesh Pandey S/o Late Ram Vilash pandey r/o Village- Nadwan, P.S.-  
Dhanarua, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Govt. of Bihar, patna
2. Project Director, N.H.-83, of Patna-Gaya Dobhi Project
3. The Commissioner, Patna Division, Patna, First Appellate Authority
4. The District Magistrate, Pana
5. Competent Authority cum District Land Acquisition Officer, Patna

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Dudh Nath Singh, Advocate |
| For the Respondent/s | : | Mr. Raj Kishore Roy, GP 18    |
| For the NHAI         | : | Mr. S.N Pathak, SC NHAI       |
|                      |   | Mr. Saurav Nikunj, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      02-09-2024                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State as well as NHAI.

2. The present writ petition has been filed for directing the respondents to make payment of compensation of acquired land either as per market rate and circle rate prevailing in that area from the date on which the notification for acquisition of land has been made.

3. The petitioner has further prayed for directing the Respondent No. 3 to disposed of the Arbitration Case No. 126 of 2019 pending before him.

4. Learned counsel for the State submits that during



pendency of the writ petition, the Respondent No. 3 (The Commissioner, Patna Division, Patna, First Appellate Authority) has passed the order dated 21.09.2021 (Annexure-B of the counter affidavit) in Arbitration Case No. 126 of 2019 whereby the claim of the petitioner for grant of compensation on basis of commercial nature has been rejected in view of the fact that the use of land in question at the time of notification was agriculture.

5. Learned counsel for the petitioner submits that in view of the aforesaid, the present writ petition may be disposed of with liberty to the petitioner to assail the order dated 21.09.2021 passed by the Respondent No. 3 in Arbitration Case No. 126 of 2019.

6. In view of the aforesaid, the writ petition stands disposed of with the aforesaid liberty.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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