

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10221 of 2017**

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Kedarnath Singh Son of Late Ram Binod Singh, Resident of Village- Rampur  
Aami, Police Station- Dighwara, District- Saran Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Saran at Chapra.
3. The District Land Acquisition Officer cum Competent Authority, Saran at Chapra.
4. The National Highway Authority of India through its Chairman, Govt. of India, New Delhi.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bashishtha Narayan Mishra, Advocate  
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      14-05-2024                      Heard Mr. Bashishtha Narayan Mishra, learned  
counsel for the petitioner and Mr. Dhurjati Kumar Prasad,  
learned GP-14.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of a writ in the  
nature of mandamus or any other  
appropriate writ or writs  
commanding and directing the  
respondent authorities to provide  
compensation with enhanced rate  
to the petitioner as per the  
provision contained under Right to*



*Fair Compensation And  
Transparency in Land Acquisition,  
Rehabilitation And Resettlement  
Act, 2013 by modifying the amount  
in Award No.37 prepared under the  
project N.H.19-Four Lane by the  
respondent no.3 for the land  
mentioned in the Award which  
belongs to the petitioner;*

*(ii) to pass such other order or  
orders for which the petitioner will  
be found entitled in the eye of law.*

3. A counter affidavit on behalf of respondent nos. 2  
and 3 is on record duly signed by the District Land Acquisition  
Officer, Saran and paras-8 to 11 read as follows:

*"8. that, it is not out of place to  
mention it here that in this matter 30  
was (Declaration) wi we notified in  
year 2010 dated 2010 & accordingly  
Award and then 80% of Was 30th  
July, determined (3G) the  
compensation amount against the*



*acquisition of the land had been paid to the land losers and above to this the said land have got fully acquired by the Government and construction work of Four Lena Road has been started by filling soil wherever it is required;*

*9. that it is pertinent to mention it here that these respondent authorities has tried the best to release the compensation as per rule to the writ petitioner along with several Awardies. But no one has turned up to receive the compensation, despite several notices issued to each Awardy, which may be confirmed by perusal of the letter No.17 (misc) dated 07.08.2019 of SDO, Sonpur;*

*10. that when no one (including the writ petitioner) turned up to receive the compensation then the*



*respondent No.3 namely District Land Acquisition Officer, Saran after considering the important of the construction of NH-19 sent a proposal Sub Judge, Civil Court, Saran to deposit the component amount vide his letter no 1056, dated 26.09.2010;*

*(ii) that, the respondent authorities have tried their best to release the payment to the writ petitioner, who himself is not coming forward to receive the compensation amount against the acquisition of his land. If the writ petitioner provides his willingness regarding receiving his compensation, then it will be definitely considered and a request proposal will be necessary action.*

4. Learned counsel for the petitioner submits that the categorization of land has been wrongly declared. Further, the documents have also been submitted to get deposited amount



which he will be taking under protest, the same has still eluded him.

5. Learned State counsel submits that so far as the categorization of land is concerned, he should have approached the Arbitrator, once a decision has been taken. Regarding the second grievance, if the documents is/are on record, the amount stands deposited in the Civil Court, payment will automatically come.

6. Learned counsel for the petitioner submits that for the categorization of the land, he will be approaching the Arbitrator and so far as the payment part is concerned, he will be filing fresh documents before the concerned Civil Court so that amount is released in his favour.

7. In that background, the writ petition stands disposed of allowing the petitioner to approach the Arbitrator within four weeks from today.

8. In case, he appears before the Arbitrator within the aforesaid period, the concerned authorities shall take into account that the writ petition was pending in the year 2017 while considering his limitation petition.

9. So far as the payment part is concerned, once he submits the documents and the same found to be appropriate,



the concerned Civil Court shall release the amount in his favour.

10. The writ petition stands disposed of.

**(Rajiv Roy, J)**

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