

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10309 of 2016

Md. Shakil Ahmad @ Shakil Ahmad Son of Late Md. Shaukat Ali resident of
Village - Shobhan Dalour, P.S. Simri, District - Darbhanga.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary, Ministry of Surface, Transport and National Highway,
Government of India, New Delhi.
3. The Chairman, National Highway Authority of India, Plot No. G - 5 and 6,
Sector - 10, Dwarka, New D
4. The Chief General Manager-cum-Regional Officer, National Highway
Authority of India, D - 63, First
5. The Project Director, Office of National Highway Authority of India, C/o
Shri S.N.Mishra, Professor
6. The State of Bihar through the Principal Secretary, Department of Revenue
and Land Reforms Land Acq
7. The Principal Secretary, Department of Revenue and Land Reforms Land
Acquisition, Government of Bi
8. The District Magistrate, Darbhanga.
9. The District Land Acquisition Officer, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate
For the Respondent/s : Mr.Devendra Kr. Sinha- AAG-2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and the
State.

2. There is no representation on behalf of the National
Highway Authority of India (henceforth for short 'the NHAI')
nor the counter affidavit has been filed, though the copies were
served upon the then counsel appearing for 'the NHAI' namely
Mr. Sunil Kumar -II on 20.06.2016 itself.



3. The petitioner has approached the Court for the following reliefs:

(i) for issuance of a writ in the nature of Mandamus directing and commending the respondent authorities to make payment of due compensation amount to the petitioner in terms of Provision contained in section 24 of Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation Act, 2013 at current circle rate of land prevailing in the area and/or for issuance of any other appropriate writ/writs, order/orders, direction/ directions which seem just and equitable in the facts and circumstances stated hereunder.

3. Learned counsel for the petitioner submits that he moved this Court in C.W.J.C. No. 2300 of 2013 which was disposed of on 21.6.2013 by a reasoned order with a direction



to the petitioner to approach 'the NHAI' along with all the relevant documents to become entitled to compensation as the stand of 'the NHAI' in that writ petition was that the petitioner never approached the authority for the execution of the sale-deed in favour of the President of India (Annexure-4 to the writ petition).

4. The further case of the petitioner is that thereafter he kept on moving from pillar to post without any response from 'the NHAI'. He has annexed different supporting documents of the State officials, specially the District Land Acquisition Officer, Darbhanga addressed to the Project Director, 'the NHAI', Darbhanga, the last being no. 939 dated 17.11.2016 by which request was made to make payment of compensation to the petitioner as per the amount evaluated by the Building Construction Department (Annexure-C to the counter affidavit) filed on behalf of the respondent nos. 8 and 9. He submits that twice he has moved this Court without any grant of compensation.

5. Learned State Counsel on the other hand on the basis of the counter affidavit filed by the District Magistrate and the District Land Acquisition Officer (respondent nos. 8 and 9) submits that necessary steps were taken and 'the NHAI' was



regularly communicated regarding payment of compensation to the petitioner.

6. The writ petition is of the year 2016 and the counter affidavit of the year 2017. Neither the petitioner nor the State counsel is able to inform whether within the next seven years, payment was made to the petitioner or not as there is no affidavit thereafter.

7. As stated above, 'the NHAI' chose to look the other way and there is no reply on their behalf. This despite the fact that the Court had earlier gave direction to 'the NHAI' to make payment once the petitioner approaches.

8. In that background, instead of keeping the case pending, summoning the officials of 'the NHAI' and forcing them to file response to the writ petition, it would be appropriate that direction is given to the petitioner to approach 'the NHAI' once again in the backdrop of the fact that the learned counsel failed to provide the details on whether after the order of the Patna High Court in the earlier writ petition (C.W.J.C. No. 2300 of 2013) whether he approached 'the NHAI' alongwith the relevant documents for the execution of the deed in favour of the President of India or not.

9. If the payment still has not been made, the



petitioner to approach the Project Director, National Highway Authority of India, Darbhanga within a period of four weeks from today. If he submits all the relevant documents, fulfilling the criteria laid down for the compensation, 'the NHAI' is duty bound to take the matter to its logical conclusion and make payment to the petitioner within a period of three months. This order is being passed in the backdrop of the fact that no payment has still been made as neither the State nor the petitioner is able to inform what happened after the year 2017 and 'the NHAI' is unrepresented.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

