

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6824 of 2021

1. Shyam Kishore Sharma @ Shyam Kishore Singh S/o Late Nonu Singh R/o village - Karauna, P.S. and District - Jehanabad - 804417.
2. Mithilesh Kumar @ Mithilesh Singh S/o Late Nonu singh R/o village - Karauna, P.S. and District- Jehanabad - 804417.
3. Shailendra Kumar @ Shailendra Kumar Sharma @ Shailendra Kumar Singh S/o Late Nonu Singh R/o village - Karauna, P.S. and District- Jehanabad - 804417.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Patna.
2. The District Magistrate, Jehanabad.
3. The Additional Collector - cum - the Arbitrator, Jehanabad.
4. The Land Acquisition Officer, Jehanabad.
5. The Circle Officer, Jehanabad, District- Jehanabad.
6. The Union of India, through the Secretary, Ministry of Road Transport and Highways, New Delhi.
7. The National Highway Authority of India, (an Autonomous Agency of Govt. of India), Sector - 10 G 5 and 6, Dwarka, New Delhi through its Chairman.
8. The Director, National Highway Authority of India, Sector - 10, New Delhi.
9. The Deputy Secretary, National Highway Authority of India, Sector- 10, G 5 and 6 New Delhi.
10. The Project Director, National Highway Authority of India, Gaya Unit, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Avanindra Kumar Jha, Advocate Mr. Vishwas Vijeta, Advocate
For the State	:	Mr. Raj Kishore Roy, G.P.-18
For the NHAI	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 28-02-2024

Heard Mr. Purushottam Kumar Jha, learned Counsel



for the petitioners, the State and Mr. Sanat Kumar Mishra,
learned Counsel appearing on behalf of the N.H.A.I.

2. The present petition has been preferred for the
following reliefs:-

*(i) to hold and declare that the action of
the concerned respondents (Respondent No. 3 and
the authorities concerned of the National Highway
Authority of India in short "NHAI") in not
preparing "AWARD" as per the order dated
07.10.2016 passed in Arbitration Case No. 218/
2015-16 (Annexure-6) and in turn their action in
not making the payment of its proceeds to the
petitioners, is illegal, arbitrary, malafide,
malicious and unsustainable in the eye of law and
on facts both and is fit to be deprecated by this
Hon'ble Court in strong words;*

*(ii) issuance of an order, direction or a
writ in the nature of Mandamus commanding the
respondents concerned to make the payment of due
amount of amount of compensation along with
solatium and interest thereupon, in connection with
the acquisition of land of the petitioners'*



measuring 185.8192 Decimal land, by the Respondents concerned for the purpose of widening and four-laning the National Highway No. 83 in between 36,000 Km to 71,000 Km in the District of Jehanabad;

(iii) issuance of an order / direction or a writ in the nature of mandamus commanding the Respondents concerned to furnish the details of the calculation of the compensation amount including solatium and interest, payable to the petitioners in connection with the acquired land of the petitioner land measuring 185.8192 Decimal land in the District of Jehanabad.

3. It is the case of the petitioner that despite the positive order passed by the Court of Additional Collector cum Arbitrator, Jehanabad in Arbitration Case No. 218/2015-16 (Shyam Kishore Sharma vs State & Ors.) by which it has held after the local inspection that the land in question is of commercial nature, accordingly the direction issued, the petitioner is yet to get the fruits of the said order despite the passage of eight years.

4. The N.H.A.I. has filed counter affidavit put on



record in the year 2022 itself and learned Counsel appearing for the N.H.A.I. has taken this Court to paragraph 6 that they have preferred Miscellaneous Case No. 16 of 2018 which is pending before the Court of learned District Judge, Jehanabad. He further submitted that the petitioner ought to have appeared before the concerned Court so that the matter is expedited and taken to its logical conclusion.

5. The order sheet provided by the learned Counsel for the petitioner confirms to the said point put forward by the learned Counsel appearing on behalf of the N.H.A.I. In view of the fact that the aforesaid cases is pending before the District Judge, Jehanabad, it would be appropriate that the same is decided within a time frame.

6. Learned Counsel for the petitioner submits that he will be appearing before the concerned Court within a period of four weeks from today and so that the case is taken to the next stage.

7. If the petitioner appears before the Court within a period of four weeks from today, the learned District Judge, Jehanabad shall ensure that the matter is expedited and taken to its logical conclusion preferably within a period of six months taking into account the fact that the original order is of the year



2016 and the N.H.A.I. has preferred Miscellaneous Case No. 16
of 2018 and as such delay has already caused.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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