

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.208 of 2019

Indu Nath Pathak @ Indra Nath Pathak S/o Late Maharudra Pathak R/o Village-Kayasth Tole Pirokhar, Ward No.07, P.S. Madhwapur, Distt.-Madhubani, At present R/o Vill.-Akari, P.O. Sujatpur, P.S. Anchal-Madhwapur, Distt.-Madhubani

... .. Petitioner/s

Versus

1. The Union Of India
2. The State of Bihar, through Principal Secretary, Revenue Department, Old Secretary, Bihar, Patna, P.S. Sac
3. The Principal secretary, Ministry of Road and Transport Department, Govt. of Bihar, Old Secretariat, P.
4. The Commissioner, Darbhanga, P.S. Town, Distt.-Darbhanga
5. The Project Director, National high way of India, Professor Colony, Digghi West Darbhanga, P.S. Town,
6. The District Magistrate, Madhubani, P.S. Town, Distt.-Madhubani
7. The Additional Collector, Madhubani, P.S. Town, Distt.-Madhubani
8. District Land Acquisition Officer, Madhubani, P.S. Town, Distt.-Madhubani
9. S.D.O., Benipatti, P.S. Benipatti, Distt.-Madhubani
10. Circle Officer, Madhwapur, P.S. Madhwapur, Distt.-Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Jitendra Kumar Singh, Advocate Mr. Lal Bahadur Singh, Advocate Ms. Dimple Kumari, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C.-25 Mr. W.A. Khan, A.C. to S.C.-25
For the NHAI	:	Mr. S.N. Pathak, Advocate Mr. Saurabh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2024 Heard Ms. Dimple Kumari, learned Counsel for the petitioner, Mr. Sajid Salim Khan, learned S.C.-25 and Mr. S.N. Pathak representing the N.H.A.I.

2. The present petition has been preferred for the



following reliefs:-

(i) for issuance of writ of mandamus and any other appropriate writ/writs, order/orders, command, direction/directions to the respondents-authority to evaluate/calculate the of land acquired by the respondents authority for construction of National Highways no. 527 "C" for 56.200 Km (Majhauri to choraut). Land Situated in Mauza Akari, Thana no.-102. Anchal-Madhwapur, District- Madhubani afresh and pay the compensation in lieu of land acquired by the respondents at the rate of new scheme of the Government as well compensation in lieu of Constructed house;

(ii) to quash the Notice no. 164 / XI dated 01-9-2018 (Annexure- P/5) issued by the District Land Acquisition Officer, Madhubani, (Respondent no.-8) by which on the basis of discriminatory, whimsical and illegal description of land has been placed for calculation of compensation for acquired land in question by showing as Agricultural land instead of Residential



land, bearing L.A. no. 14, Khesra no. 41 old and new is Khesra no.- 135, Area- 11.61 dismal under Mauza Akari, Anchal- Benipatti, P.S. - Madhwapur, District – Madhubani;

(iii) to call for the report from the Circle Officer, Madhwapur, Madhubani, District Land Acquisition Officer, Madhubani, Project Director, Darbhanga and District Magistrate-cum- collector, Madhubani for placing explanation that under what circumstances the land bearing Survey No. (Khesra no.) 132, 133, 134, 135 to 157 which situates in one row have been shown as Residential land by the Project Director, Darbhanga in his survey report vide Memo no. 241 dated 30-3-2015 after survey of land but only Khesra no. 135 (Old Khesra No.-41) has been changed as Agricultural land;

(iv) for direction to the concerned Authority to pay the compensation in lieu of land acquired for construction of N.H. Road bearing Khesra no. 135 New (Khesra no. 41 old), Thana no.-102, area 11.61 dismal under Mauza- Akari,



P.S.- Madhwapur, Anchal - Benipatti, District- Madhubani and also compensation for the Pukka house, which has been acquired for construction and widening the N.H. 527 "C" treating it Residential Land and calculate and pay the compensation on the basis of rate fixed by the Government;

(v) for issuance of direction to pay the benefit under "PUNARVAS NITI, 2007" as well as adequate compensation and applicable interest;

(vi) for issuance of immediate direction to the respondents- authority that not to demolish the house of the petitioner during the pendency of writ petition and without paying the compensation in lieu of land acquired treating the land in question bearing Khesra no. 135 New (Khesra no. 41 old), Thana no.-102, area 11.61 dismal under Mauza- Akari, P.S.-Madhwapur, Anchal- Benipatti, District- Madhubani as Residential Land.

3. The counter affidavits of the State as also the N.H.A.I. have narrated that the competent authority has decided the compensation and under 3G (5) of the National Highway



Act, 1956, the petitioner, if aggrieved, has the remedy to move before the Arbitrator.

4. The case is of the year 2019 and the delay has already occurred.

5. Learned Counsel for the petitioner is free to approach the Arbitrator with all the relevant documents as also his case so that a decision can be taken at an earliest.

6. In case the petitioner approaches the Arbitrator in next four weeks, if still not approached, the concerned authority shall ensure that the matter is taken to its logical conclusion within six months of the receipt of the application by the petitioner.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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