

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8965 of 2016**

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Ramchandra Prasad Diwakar Son of Late Dipal Rai , Resident of Village-  
Raghunathpur, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Vaishali, at Hajipur.
3. The Arbitrator- cum- Additional Collector, Vaishali, at Hajipur.
4. The competent authority -cum-District Land Acquisition Officer, Vaishali at Hajipur.
5. The Project Director, NH-77, Vaishali at Hajipur.

... .. Respondent/s

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**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | None                         |
| For the Respondent/s | : | Mr. Sunil Kumar Mandal, SC-3 |
|                      |   | Mr. Bipin Kumar, AC to SC-3  |
| For the NHAI         | : | Mr. S.N. Pathak, Advocate    |
|                      |   | Mr. Saurav Nikunj, Advocate  |

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

2      21-02-2024                      No one appears on behalf of the petitioner though the  
  
State as also Union of India are represented.

2. The present writ application has been preferred for  
the following relief:

*“(i). For issuance of order, direction or writ  
in the nature of Mandamus commanding the  
respondents concerned to make the payment of  
amount of compensation for 8% decimal of land  
acquired by respondent for the construction of  
four land of N.H.77 lying in Circle Bhagwanpur,*



*Village-Raghunathpur Imedpur, Thana no.-318, P.S.-Sarai, District-Vaishali of Khata No.-80, Khesra No.-659 to the petitioner calculated in the light of Land Acquisition Act 2013 by which amount of compensation to be calculated considering the lands as commercial as four times of market value including solatium amount, to which he is entitled in law as per the extant and avowed policy of the Government as declared in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

*(ii). To hold and declare that the action of, the concerned respondents is not paying the amount of compensation to the petitioner is wholly illegal, arbitrary, malafide, malicious and unauthorized and this should be deprecated by this Hon'ble Court.*

*(iii). To hold and declare that the action of respondents concerned have badly affect the livelihood of the petitioner in not paying the amount of the compensation is tantamounting to*



*the violation of Article 21 of the Constitution of India.*

*iv. Issuance of an order, direction or writ in the nature of mandamus commanding the respondents to pay the amount of penal interest at the rate of 12% to the petitioners from the date of the acquisition of land i.e. from year 2011 to till the date of payment on account of deliberately delay on the part of respondents concerned in not making the amount of compensation for the reason best known to them.*

*v. Issuance of an order, direction or writ in the nature of mandamus commanding the Respondents to pay the amount of penal interest at the rate of 12% to the Petitioners from the date of the acquisition of land i.e. from year 2009 to till the date at payment on account of deliberately delay on the part of Respondents concerned in not making the amount of compensation for the reason best known to them.*

*vi. For grant of any other relief or reliefs to which the Petitioner may be found entitled to in*



*the facts and circumstances of this case.”*

3. A counter-affidavit on behalf of the respondent Nos. 2 to 4 of the year 2016 is on record, the same having been put on affidavit by the District Land Acquisition Officer, Vaishali. Mr. Mandal has drawn the attention of this Court to paragraphs 6 to 9 which read as follows:

*“6. That it is stated that thereafter petitioner moved before the learned Additional District Collector-cum-Arbitrator, Vaishali at Hajipur, Vaishali vide Land Acquisition Case No.63/2012 for declaration of 4¼ decimal land to be in category of commercial in nature.*

*7. That it is stated that on receiving the said application, the notices were issued to the parties concerned and after hearing the parties the learned Additional District Collector-cum Arbitrator, Hajipur, Vaishali on 10.08.2015 passed an order declaring the said land of 8½ decimal to be commercial and accordingly, directed the respondent no.4 the District Land Acquisition Officer, Vaishali at Hajipur to pay the amount of compensation to the petitioner on*



*the basis of commercial in nature after deducting the 10% of the original award amount from the landlord in the light of letter no.14 DLANH/SH Pariyojana 01.-12-2502/dated 25.10.2012 of the Land Reforms Department, Bihar Patna after its own satisfaction and verification and the said order have been communicated to the respondent no.4 vide letter no.38 dated 10.08.2015.*

*8. That the award of the said acquired land has been prepared of Rs.1,88,700/- after deducting TDS Rs.8870/- which was paid previously by the competent authority. Thereafter, in the light of order of ADM-cum-Arbitrator the rate has been revised and forwarded to NHAI for its approval.*

*9. That it is stated that the District Land Acquisition Officer, Vaishali sought recommendation from the NHAI, Department and after receiving the amount, the payment of compensation amount will made to the petitioner.”*



4. There is no counter-affidavit on behalf of the Union of India and the State counsel is also not in a position to inform whether the matter has been taken to its logical conclusion after the recommendation was made or not.

5. In the background, instead of keeping the case pending specially taking into account that a recommendation has made by the District Administration, it would be appropriate that the respondent No. 5, The Project Director, NH-77, Vaishali at Hajipur decide the case of the petitioner, if still has not been decided, within a period of three months from the receipt of the copy of this order.

6. Needless to say, before a decision is taken, every stake holder has to be put on notice and heard.

7. The present writ petition is disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

Adnan/-

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