

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5724 of 2024

Shakuntala Devi Wife of Anil Kumar, Resident of village - Sajjanpur Matihan, P.S. - Dariyapur, District- Saran. Present address- Village- Khara Kaun, Idgah Road, Imambara, Patnacity, P.S. - Gulzarbagh, District- Patna.

... .. Petitioner

Versus

1. Union of India.
2. Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The Project Director, National Highway Authority of India, D- 63. Sri Krishnapuri, Patna - 800001, Bihar.
4. The Project Director (Chapra), National Highways Authority of India, Plot No. - A-1, Prabhunath Nagar, P.O. - Tari, P.S. - Muffasil, District - Saran, Bihar - 841301.
5. The Divisional Commissioner, Saran.
6. The Collector, Saran at Chapra.
7. The District Land Acquisition Officer, Saran at Chapra.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ansul Kumar, Advocate
For the NHAI	:	Ms. Soni Shrivastava, Advocate
For the UoI	:	Mr. Ram Tujabh Singh, CGC

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-09-2024 Heard Mr. Ansul Kumar, the learned counsel for the petitioner, the learned counsel appearing on behalf of National Highways Authority of India and the learned counsel appearing on behalf of the Union of India.

2. Learned counsel for the petitioner submits that land of the petitioner has been acquired for construction of ring road between Sherpur - Dighwara area under Saran District of Bihar and for that purpose, an award has been prepared of Rs.



8,04,890/- (Rupees eight lakh four thousand eight hundred and ninety) in accordance with classification of land mentioned in notification published in the Gazette of India, i.e., as agricultural land in place of land on main road.

3. Learned counsel for the petitioner submits that although the type of Khesra of the petitioner has been determined as Main Road on 21.03.2020 by an eight member Committee under the chairmanship of District Magistrate, Saran, however, it has been published in the Gazette notification that the land is agricultural land.

4. Learned counsel for the petitioner further submits that the petitioner has preferred arbitration under the provision of Section 3G(6) of the National Highways Act before the respondent no. 5 in arbitration case no. 378 of 2023 and respondent no. 5 has heard the aforesaid case on 19.01.2024 and remanded the arbitration case to the District Land Acquisition Officer, Saran-cum-Competent Authority and directed him to decide the matter.

5. Learned counsel for the petitioner submits that after the order dated 19.01.2024, the petitioner again filed an application before the Land Acquisition Officer-Cum-Competent Authority, Saran at Chapra on 17.02.2024, however,



the Land Acquisition Officer, Saran has not acted upon the order of the learned Commissioner and the matter is still pending for consideration before him.

6. Learned counsel for the petitioner further submits that in view of the aforesaid, direction may be issued to the respondent no. 7 to decide the matter in accordance with law expeditiously.

7. In view of the aforesaid, the writ petition is disposed of with a direction to respondent no. 7 to dispose of the application of the petitioner, which is still pending before him since 17.02.2024 within a period of two months from the date of receipt / production of a copy of this order.

8. Accordingly, with the aforesaid direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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