

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11006 of 2019

1. Dineshwar Singh son of Kamta Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
2. Rajendra Singh son of Late Baijnath Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
3. Bhagwan Singh son of Late Keshnath Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
4. Sridhar Prasad son of Late Khursichand Prajapati Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
5. Nathuni Chaurasia son of Late Ram Roop Chaurasia Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
6. Deo Narayan Singh son of Late Brahamdeo Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
7. Satya Narayan Singh son of Late Ram Bilash Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
8. Yasoda Devi wife of Satya Narayan Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
9. Gupt Nath Singh son of Late Rambali Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
10. Ram Bachan Bind son of Late Sukhdeo Bind Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
11. Rajendra Singh son of Late Ramadhar Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
12. Ramjag Singh son of Late Shiv Prasad Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
13. Ram Pravesh Prajapati son of Late Barash Prajapati Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
14. Jai Ram Sharma son of Late Roop Narayan Sharma Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
15. Manoj Kumar son of Late Shiv Pujan Sah Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
16. Baliram Singh son of Late Ram Prasad Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
17. Shiv Shankar Singh son of Sri Komal Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
18. Urmila Devi wife of Late Baij Nath Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
19. Ram Chandra Singh son of Late Ramasharay Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
20. Sumeshwar Singh son of Late Rambrit Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
21. Krishna Singh son of Late Satya Narayan Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.



22. Ram Pravesh Singh son of Late Bindeshwari Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
23. Uday Singh son of Late Rajdeo Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
24. Rameshwar Singh son of Laxmi Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
25. Vinod Singh son of Late Sumeshwar Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
26. Ashutosh Kumar son of Rasbihari Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
27. Bimlesh Singh son of Bechu Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
28. Dadan Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
29. Mina Devi wife of Sunil Kumar Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.
30. Balkaran Singh son of Late Jangi Singh Resident of Village- Bamhaour, P.O. and P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Land Acquisition Officer, Rohtas, Sasaram cum competent authority.
5. The Sub- Registrar, Registry Office, Sasaram, Rohtas.
6. The Circle Officer, Sheosagar, Sheosagar Circle, Rohtas.
7. The National Highways Authority of India, New Delhi.
8. The Managing Director, National Highways Authority of India, New Delhi.
9. The Project Manager, National Highways Authority of India, NH- 2 (Varanasi- Aurangabad section), Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey, Advocate
For the Respondent/s : Mr.Dhurjati Kr. Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 08-04-2024

I.A. No. 01 of 2022:

The aforesaid Interlocutory Application has been



preferred for substituting the name of heirs of of those who died
as follows:

(i) Sri Satya Narayan Singh, (petitioner no.7)

3.8.2020;

(ii) Yasoda Devi, (petitioner no.8) 30.3.2022;

(iii) Ram Pravesh Singh, (petitioner no.22)

28.10.2021;

(iv) Rameshwar Singh, (petitioner no.24)

22.6.2020;

(v) Vinod @ Binod Singh, (petitioner no.25,)

8.12.2020.

2. There is no objection from the other side.

3. The I.A. No. 01 of 2022 is allowed.

4. Let the name of substituted heirs be incorporated as
petitioner nos. 31 to 35.

I.A. No. 02 of 2023:

The aforesaid Interlocutory Application has been preferred for substituting the heirs of Ram Chandra Singh, petitioner no.19 (date not given) and Someshwar Singh (date 23.2.2023 both died during the pendency of the present writ petition leaving behind their heirs incorporated in para-3 of the interlocutory application.



2. There is no objection from the other side though date of death of petitioner no.19 is not on record.

3. Let the names of the substituted heirs be incorporated as petitioner nos. 36 and 37.

4. The I.A. No. 02 of 2023 is allowed.

C.W.J.C. No. 11006 of 2019:

This writ petition has been preferred by the petitioner for the following reliefs:

(i) that the order dated 30.7.2017 passed in case no. 22/2016-17 contained in annexure-9 may be quashed;

(ii) that the respondents may be directed to make payment of compensation amount after treating the land of the petitioners as commercial land in terms of section 26(2) of the New Land Acquisition Act, 2013;

(iii) that any other relief or reliefs may be allowed which will be just, proper and equitable on the



opinion of this Hon'ble Court.

2. In C.W.J.C. No. 5750 of 2019 (Pramila Devi and Ors Vrs. the Union of India and Ors) and analogues cases, a coordinate bench has passed the following order:

"12. Counsel for the petitioners have also relied upon a judgment dated 28.12.2019 rendered in the case of Bhupendra Singh vs. Competent Authority and Ors. passed in W.P. No.5286 of 2018 of the Hon'ble Bombay High Court and also the decision rendered in the case of Naresh Kumar and Ors. Vs. Govt. of NCT, Delhi along with Civil Appeal No. 6637 of 2010 reported in 2019 (4) PLJR (SC) 383, in which it has been decided that in the matter of acquisition under National Highways Act, 1956, there is no applicability of Section 33 of the Act of RFCTLARRA, 2013 (Act No.30 of 2013).

13. In view of this Court, section 33 of RFCTLARRA, 2013 (Act No.30 of 2013) shall not be applicable in the present case at



all as the preparation of second award amounts to review of the earlier award and under law, the competent Authority being quasi judicial authority has no power to review its own order and without any authority under law the applicability of Section 33 of the RFCTLARRA, 2013 (Act No.30 of 2013) is for very limited purpose which itself laid down in the Statute.

14. In this background, this Court is of the view that preparation of later award if absolutely bad in law in all the cases. As such, award dated 30.07.2018 in CWJC No. 5750 of 2019, CWJC No. 5908 of 2019, CWJC No. 5930 of 2019, CWJC No. 7402 of 2019, CWJC No. 7438 of 2019, CWJC No. 7715 of 2019 and award dated 02.07.2018 in CWJC No. 7437 of 2019 are hereby set-aside.

15. Accordingly, this writ petition is allowed granting liberty to the NHAI that if it has grievances from the earlier award then the



NHAI may take recourse to Section 3G (5) of the Act of 1956 by way of filing appropriate application before the Arbitrator -cum- Divisional Commissioner concerned.

16. With the aforesaid directions and observations, the writ petitions stand disposed off.

3. On specific query, learned counsel appearing on behalf of the NHAI submits that the said order has not been challenged.

4. Accordingly, this Court also takes the route of C.W.J.C. No. 5750 of 2019. The Land Acquisition Case No. 22/2016-17 passed by the respondent no.4, the District Land Acquisition Officer, Rohtas, Sasaram cum competent authority is quashed granting liberty to the respondent to approach the appropriate authority under section 3G(5) of the National Highway Act, 1956.

5. The writ petition stands disposed of.

(Rajiv Roy, J)

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