

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7182 of 2023

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Awadhesh Kumar S/o Late Buddha Singh, R/o Village-Heman Chak, P.S.-
Naubatpur, Dist.-Patna-801505.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Road Transport and Highways, Government of India.
2. National Highways Authority of India through its Project Implementation Unit at Patna located at House No.-D-63, Rajesh Kumar Path, Basant Vihar Colony, Sri Krishnapuri, District-Patna.
3. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The District Magistrate-cum-Collector, Patna.
6. The Competent Officer-cum-District Land Acquisition Officer, Patna.
7. Circle Officer, Naubatpur.
8. SHO, Naubatpur Police Station, Naubatpur, Dist-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saket Anand, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19
For NHAI	:	Mr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 01-04-2024 Heard learned counsel for the petitioner, the State as

also NHAI.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of appropriate writs(s), order (s)
or direction(s) in the nature of mandamus or any
other writ(s) order(s) directions(s) for
restraining the respondent no-2 from doing
illegal construction in the raiyati land of the*



*petitioner under Bihta-Sarmera State Highway
-78 (Painapur segment);*

*(ii) for issuance of appropriate writs(s), order (s)
or direction(s) in the nature of mandamus or any
other writ(s) order(s) directions(s) of
appropriate nature commanding the respondent
no-6 to strictly adhere to land acquisition of
petitioner initiated under the L.A. Case no.
18/2011-12 which is presently pending as Ref.
Cases No 166/17 (P) before the Ld. Court of
Land Acquisition Resettlement and
Rehabilitation Authority, Patna Division;
(iii) for issuance of any other writ (s) order(s) or
direction (s) as the petitioner is entitled to.*

3. As usual, though the supplementary counter affidavit has been filed on behalf of the respondent nos. 5 and 6, the NHAI counsel complains that he has not been served any copy. It is really surprising that despite cost being imposed on the office of SC-19 every day, either the petitioner or the NHAI complains that copy has not been served upon him. Instead of imposing another cost, this Court would only like to deprecate the tendency of the said office.



4. As per the supplementary counter affidavit filed, as stated above, paras 5 to 10 are relevant and is/are incorporated hereinbelow:

"5. that the NHAI vide letter no.- 1030, dated 23.11.2023 has requested the District Land Acquisition Officer, Patna to take needful action for notification under Section 3A through portal of Bhimirashi, with regard to the requirement of excess land under Mauja-Painapur and Neva for the Kanhauli Ramnagar Section (NII-131 G) Patna Ring Road after inquiry of the land in question;

6. that accordingly the measurement report dated 28.12.2023 has been submitted plot wise, by the Land Acquisition Amin to the District Land Acquisition Officer, Patna with regard to the excess land to be acquired for the said project;

7. that as far as the excess land of the



petitioner's plots are concerned, only in Plot No.982 under Khata No. 239, area of 14 decimals is being acquired in excess whereas in remaining plots i.e. Plot No.938 under Khata No. 206 and Plot No.1020 in Khata No.233 there is no such issue. This is apparent from the aforesaid report dated 28.12.2023 submitted by the concerned Amin;

8. that the petitioner has also no grievance with regard to the Plot No.938 and Plot No.1020 and in this regard petitioner Shri Awadhesh Kumar has given written statement dated 10.2.2024;

9. that in view of the letter datd 23.11.2023 sent by the NHAI for fresh notification, the office of the District Land Acquisition Officer, Patna has initiated the procedure of Acquisition of the said land;



10. that the aforesaid matter is under progress and after the completion of the processes of acquisition, the grievance of the petitioner shall be redressed with regard to Plot No.982.

5. From the aforesaid facts, it is clear that after the clarification made by the petitioner himself regarding Plot Nos. 938 and 1020, now the grievance remains only to Plot no. 982 (Khata no. 239) and as per the reply, process of acquisition is on and an undertaking is that grievance of the petitioner shall be redressed at an earliest.

6. In view of the fair submission made by the respondents, this writ petition is fit to be disposed of with a direction to the respondents that before acquiring the land of the petitioner; he is entitled to his right/compensation as also to be heard on the points of quantum of compensation.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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