

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3807 of 2021

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1. Indra Mohan Mishra Son of Kulanand Mishra resident of Village- Padma @ Paduma, P.O.- Padma (Paduma) Ward No. 11, P.S. Ladaniya, District- Madhubani.
 2. Parmanand Mishra Son of Late Raj Mohan Mishra resident of Village- Padma @ Paduma (Paduma), P.O. Paduma, Ward No. 11, P.S. Ladaniya, District- Madhubani, Presently resident At C- Bing/ 101, Kailash Dham Mira Bhayandar Road, Donwasko High School, present park Mira Bhayandar Thane, Maharastra 401107.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Union of India Through the Secretary, Ministry of Transport and Highways, Transport Bhawan, I Parliament Street, New Delhi- 110001.
3. The Secretary, Ministry of Transport and Highways, Transport Bhawan, I Parliament Street, New Delhi- 110001.
4. National High way Authority of India through its Chairman, G5 and G6, Sector- 10, Dwarika, New Delhi 0110075.
5. The Chairman, National Highway Authority of India, G5 and G6, Sector- 10, Dwarika, New Delhi- 110075.
6. The Chief Engineer, National Highway (North) Road Construction Department, Govt. of Bihar, Patna.
7. The District Magistrate, Madhubani, (Bihar).
8. The Land Acquisition Officer, Madhubani, (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hriday Kant Mishra, Advocate
For the Respondent/s	:	Mr. Ashok Kumar Abarta, Advocate
For the NHAI	:	Mr. S.N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 19-06-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-

(i) for issuance of writ in the nature of

Mandamus commanding and directing the



Respondents speedily Respondent No.7 & 8 the District Magistrate and Land Acquisition officer. Officer Madhubani to decide the quantum of compensation for acquisition of Land of the petitioners already acquired by the Govt for the purpose of building, widening, four laning etc. of N.H.104;

(ii) for issuance of writ further in the Natuere of Mandamus commanding and directing the Respondents specially Respondent No. 7 & 8 to make payment of compensation in lieu of acquisition of the lands of the petitioners initiated vide Notification dated 16.7.2012 issued by the Land acquisition officer;

(iii) for declaration and holding that petitioners are entitled to got the same reliefs as made /passed in favour of petitioners of CWJC No. 273/2019 by its order dated 3.12.2019.

3. There are two conflicting counter affidavits *inasmuch* as the counter affidavit filed on behalf of the Road Construction Department shows that the acquisition was made in the year 1963 whereas the counter affidavit of the respondent



no. 8 filed by the District Land Acquisition Officer, Madhubani shows that it was acquired in the year 1972.

4. In view of the conflicting report, it would be appropriate that the matter is taken up by the Collector, Madhubani (respondent no. 7) and take the same to its logical conclusion.

5. The petitioner to appear before the Collector in four weeks along with all the relevant documents who shall take up the matter and dispose it of after hearing all the parties in next four months.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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