

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10786 of 2023

1. Umesha Prasad Sah Son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.
2. Parmeshwar Sah, son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.
3. Ram Babu Sah, son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.
4. Mahendra Prasad Sah, son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.
5. Ram Milan Sah, son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.
6. Debenara Sah, son of Budhulal Sah, resident of Village and P.O.-Dhankaul, P.S. Patepur, Block-Patepur, District-Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary.
2. The Ministry of Road Transport and Highways New Delhi.
3. The Director, NHAI, New Delhi.
4. The Project Manager, NHAI, Patepur, Vaishali.
5. The State of Bihar through the Chief Secretary, Patna.
6. The District Magistrate, Vaishali (Hajipur).
7. The Competent Authority cum District Land Acquisition Officer, Collectorate, Vaishali (Hajipur).
8. The Circle Officer, Patepur.
9. The Additional Collector, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr. Sriram Krishna, Advocate Mr. Amarjeet, Advocate
For the U.O.I.	:	Mr. Ram Tusabh Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2024 On call, no one appears on behalf of the petitioners
though the State is present.

2. The present petition has been preferred for the



following reliefs:-

(i) for directing the respondents to change the category of the land from agricultural (as shown in the Gazette of India notification dated (05/12/20) to baasdi, i.e homestead;

(ii) for directing the respondents to re-measure and re-demarcate the land for ascertaining the area, i.e 0.0909 hectares, as reflected in the notice dated 16/08/2021 issued by the Competent Authority cum District Land Acquisition Officer, Collectorate, Vaishali, (Hajipur);

(iii) for directing the respondents to bring the necessary rectification in the govt records, if and where the need be;

(iv) for directing the respondents to disburse the requisite compensation to the petitioners for the land acquired, before embarking on the construction work of the proposed Bharatmala project.

3. A counter affidavit on behalf of the respondent nos.

3 and 4 is on record and paragraph nos.- 21 and 22 read as



follows:-

“21. That it is most humbly submitted that as far as paragraph nos. 6 to 9 of the writ petition under reply are concerned, it may be stated that as per Report submitted by NHAI Amin, Independent Engineer & Concessionaire of mentioned project, it is evident that only 0.0909 hectare of land has been acquired by NHAI. Pillars have been erected at the site to mark the ROW of the project highway.

22. That it is most humbly submitted that as far as paragraph nos. 10 and 11 of the writ petition under reply are concerned, the competent authority i.e., CALA, Vaishali has determined the compensation of above-mentioned land on the basis of 3D Notification being S.O. No. 2049 (E) dated 28.05.2021. The Khesra no. 5 in Khata no. 250 has been notified as Dhanhar 3 under section 3(D) of N.H. Act, 1956. Accordingly, as requested vide CALA, Vaishali letter no 472 dated 02.07.2021, the compensation of said village has been approved vide NHAI, RO-Patna letter no. 1487 dated 18.08.2021 and deposited to CALA, Vaishali. The same has been informed to CALA, Vaishali vide NHAI, PIU-Chhapra letter no 706 dated 19.08.2021. Further, Awards are issued by CALA. Therefore, it is submitted that CALA, Vaishali is the competent authority to give the reply.”



4. In that background, the remedy of the petitioner lies elsewhere.

5. However, since there is no appearance, the writ petition stands dismissed for non-prosecution.

(Rajiv Roy, J)

Neha/-

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