

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11509 of 2023

Shiv Kumar Singh Son of Late Kapildeo Singh, Resident of Village-
Kochadhi, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms, Department, Bihar, Patna.
2. The Collector, Buxar.
3. The Land Acquisition Officer, Buxar.
4. The Sub-Divisional Officer, Buxar.
5. The Circle Officer, Chousa, District- Buxar.
6. The National Highway Authority of India through its Competent Authority, Buxar.
7. The Executive Engineer, NH division, Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 01-04-2024 Heard the parties.

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

(i) for quashing the order dated 15.02.2023 in respect of Serial no.15 and 21 only passed by the Land Acquisition Officer, Buxar whereby the objection petition filed by the petitioner with regard to conversion the nature of his land of Thana no.36, Khata no.120, Khesra no.13, Chak Khata no.126 area 6 dec.from residential to commercial has been rejected without assigning any



reason.

(ii) for issuance of writ in the nature of Mandamus directing and commanding the Respondents for conversion the nature of land of the residential to petitioner from commercial on the ground of present existing position of the commercial petitioner land in the nature of as nearest land of the has sold been and registered as commercial in nature and the said land is under Nagar Panchayat of Chousa and petitioner has been given electricity connection for commercial over which the petitioner constructed market (Katra) and running his business and paying .T. as well as the land of the G.S.T. petitioner is situated in the main road of Chausa, Kochas and vide order dated 24.11.2020 passed in case no.08/2020-21 by the S.D.O. whereby nature of land has been converted from residential to non-agricultural and hence compensation, if any, may be paid accordingly against acquiring land of the petitioner.

3. Learned counsel for the petitioner submits that vide Annexure-8, the Competent Authority-cum-District Land Acquisition Officer, Buxar has negated the claim of the petitioner (serial no.15). So far as his case of treating it as commercial land is concerned, the learned State counsel has



drawn attention of this Court to the concluding part of paragraph 3 of the counter affidavit of the respondent nos. 2 to 3 and the concluding part read as follows:

“It is being humbly submitted that on the date of notification of acquisition of the land the nature of the land is residential in nature. In this context it is submitted that the land in question is residential in nature in the notification issued dated 04.05.2022 under NH Act, 1956 Section- 3(A) and final notification issued dated 07.03.2023 under NH Act, 1956 Section- 3(D).

As per NH Act, 1956 Section-3G (5) any grievance can be made before arbitrator after publication of 3(D)”.

4. Learned counsel for the petitioner submits that he shall be availing remedy as per the reply filed by the State in the counter affidavit.

5. Granting such liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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