

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13633 of 2024

Jai Ram Choudhary Son of Late Chhabbu Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Land Revenue and Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Collector, Bhagalpur, District- Bhagalpur.
5. The District Land Acquisition Officer, Bhagalpur, District- Bhagalpur.
6. The Circle Officer, Sultanganj, District- Bhagalpur.
7. The Presiding Officer, Land Acquisition Rehabilitation and Resettlement Authority (LAARA), Bhagalpur.
8. Rajnish Choudhary Son of Late Bindeshwari Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
9. Manish Choudhary Son of Late Bindeshwari Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
10. Mostt. Fudo Devi Wife of Late Birbal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
11. Nawal Kishore Choudhary Son of Late Dhanushdhari Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
12. Chandar Choudhary Son of Late Dhanushdhari Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
13. Indradev Choudhary Son of Late Uchit Lal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
14. Niranjana Choudhary Son of Late Uchit Lal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
15. Birendra Choudhary Son of Late Uchit Lal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.
16. Nakul Choudhary Son of Late Uchit Lal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.



17. Sikandar Choudhary Son of Late Bachhalal Choudhary Resident of Village- Bhwanathpur, Post Office- Rannu Chak Makandpur, Police Station- Akbar Nagar, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Yadav, Advocate
For the Respondent/s	:	Mr. Government Pleader-5
For the NHAI	:	Mr. S. N. Pathak, Advocate
		Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-09-2024

Heard the parties.

2. The petitioner is aggrieved by the order dated 27.02.2023, passed by the Presiding Officer, Land Acquisition and Resettlement Authority, Bhagalpur by which the respondent no. 7 has directed the petitioner to withdraw the petition filed in compliance with the order dated 16.11.2022 passed in CWJC No. 3406 of 2022 and directed to file the case before the competent authority without deciding the matter on merit. Learned Advocate for the petitioner further seeks a direction to make payment of half amount of the award prepared in Award Nos. 67, 68 and 70 on the basis of Land Acquisition Case No. 17 of 2019-20 by the District Land Acquisition Officer, Bhagalpur for construction of National Highway No. 80 (Munger Mirzachouki four lane).

3. Learned Advocate for the petitioner contended that



the land, in question, the description of which has been duly mentioned in paragraph no. 9 are recorded in the name of petitioner's father and the legal heirs of *Kallar Choudhary*. However, the land was acquired for construction of National Highway No. 80. For the said purpose, a notification was duly published in the official gazette. In pursuant thereto, Land Acquisition Case No. 17 of 2019-20 was initiated and after determination of compensation amount, the land holders were directed to appear before the District Land Acquisition Officer, Bhagalpur on 05.09.2021 to receive the calculated and fixed amount of compensation. The petitioner being dissatisfied with the aforesaid award filed petition before the District Land Acquisition Officer, Bhagalpur claiming half of the share in the acquired land, but the same has not been considered.

4. The petitioner had earlier approached before this Court in CWJC No. 3406 of 2022, for ventilating his grievance, the writ petition was disposed off with a direction to approach LAARA; but their claims were not entertained by LAARA, on being found no jurisdiction.

5. At this juncture, learned Advocate for the State submits at the bar that if the petitioner has any grievance with regard to the apportionment of the award, the petitioner has



remedy available before the Commissioner-cum-Arbitrator, duly appointed under the notification of the Government of India.

6. In view of the nature of the grievance, this Court deems it proper to dispose of the writ petition with a liberty to the petitioner to approach before the duly appointed Commissioner-cum-Arbitrator, Bhagalpur under Section 3 (G) 5 of the National Highways Act, 1956 preferably within a period of four weeks, from today.

7. If the petitioner files appropriate application before the aforementioned Commissioner-cum-Arbitrator, Bhagalpur, the same shall be disposed off expeditiously in accordance with law, preferably within a period of three months after giving opportunity to all the stakeholders.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2024
Transmission Date	NA

