

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14546 of 2024

1. Priyanka Singh, Wife of Narendra Singh, Resident of Village- Kekadha, Post- Ruppur, P.S. - Mohania, District- Kaimur (Bhabua).
2. Bachhan Pandey, Son of Late Nathuni Pandey, Resident of Village- Bahdura, P.O.- Dadar, P.S. Mohania, District- Kaimur (Bhabua).
3. Munna Ram, Son of Tengari Ram, Resident of village- Kudhani, P.O.- Karmahari, P.S.- Kudhani, District- Kaimur (Bhabua).
4. Soni Kumari, Wife of Parveen Kumar, Resident of Village- Kharati, P.S.- Kudhani, District- Kaimur (Bhabua).
5. Ishwar Bhagwan Singh, Son of Late Ram Narayan Singh, Resident of Village- Kudhani, P.O. Karmahari, P.S.- Kudhani, District- Kaimur (Bhabua).
6. Asharfi Devi, Wife of Late Jay Kumar Singh, Resident of Village- Nevaras, P.S. - Kudra, District- Kaimur (Bhabua).
7. Pragati Sinha, Wife of Abhishek Kumar, Resident of Mohalla- Bhabua Ward No. 9, Chhavni Mohalla, P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport Highways, New Delhi.
2. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Bihar, Patna.
3. The Chief Project Director, National Highways Authority of India, New Delhi.
4. The Project Director, N.H.A.I. Project Office, Kaimur (Bhabua).
5. The Divisional Commissioner, Patna Division, Patna.
6. The District Magistrate-cum-Collector, Kaimur (Bhabua).
7. The Deputy Collector Land Reforms-cum-Competent Authority for Land Acquisition under National Highways Act, 1956, having its office at Kaimur (Bhabua).
8. The District Land Acquisition Officer-cum-Competent Authority, Kaimur (Bhabua).
9. The Circle Officer, Mohania, District- Kaimur (Bhabua).



... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Adv.
For the UOI	:	Dr. Anjani Prasad Singh, CGC
For the State	:	Mr. Anuj Kumar, AC to GP 24

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-09-2024

Heard Mr. Kumar Sunil, learned Advocate for the petitioners and Dr. Anjani Prasad Singh, learned Advocate for the Union of India. The State is represented by Mr. Anuj Kumar, learned Advocate.

2. The petitioners by invoking the jurisdiction of this Court seek a direction upon the respondents to exclude the land in question of these petitioners from the Gazette Notification dated 22.11.2021 and 16.11.2022 published under Section 3-A and 3-D of the National Highways Act, 1956.

3. Learned Advocate for the petitioners contended that despite the nature of the lands, in question, is determined as residential and purchased by these petitioners vide registered sale deeds, by making appropriate registration fee by treating it as residential, the copies of which have been placed on record vide Anneuxre P/2 series, the lands of the petitioners have been treated as agriculture while computing compensation for the land. Learned Advocate further contended that a consolidated



notice has been issued without describing the particulars of the land and the proportionate compensation and as such the petitioners are facing difficulty in submitting their reply along with the documents.

4. Learned Advocate for the Union of India drawing the attention of this Court to Annexure P/16 at page-135 has submitted that the notice has been issued under the Land Acquisition Case No. 12/2022-23 by the competent authority-cum-Land Reforms Deputy Collector, Mohania, Kaimur directing the petitioners to submit all the relevant necessary papers in relation to the land along with other relevant documents of the title of the petitioners so that adequate compensation can be paid. However, instead of submitting all necessary papers, the petitioners have moved before this Court. It is further contended that if the petitioners have any grievance with regard to the nature of the land in question, the remedy lies before the Divisional Commissioner-cum-Arbitrator duly notified under the notification issued by the Government of India.

5. In view of the submissions advanced on behalf of the respective parties and considering the nature of the grievance, the writ petition stands disposed of with the liberty to the



petitioners to approach before the Divisional Commissioner-cum-Arbitrator as duly notified by the Government of India under Section 3-G(5) of the National Highways Act. In case the petitioners prefer an appropriate application before the concerned Arbitrator, the same shall be disposed of expeditiously within the statutory period as prescribed under the Act.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.09.2024
Transmission Date	

