

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15860 of 2022

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1. Mukesh Kumar S/o Shri Ramdev Prasad Yadav, Resident of Village- Singrauli, Tola- Sartakiya, P.O. and P.S.- Hisua, District- Nawada.
 2. Bipin Kumar S/o Devendra Kumar, Resident of Village- Singrauli, Tola- Sartakiya, P.O. and P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Competent Authority-cum-District Land Acquisition Officer, Nawada.
3. The Collector, Nawada.
4. The Competent Authority and Special District Revenue Officer, Land Acquisition National Highway-82 (Gaya-Hisua-Rijgir-Biharsharif Section), Nawada.
5. The Deputy General Manager (Technical), BSRDC (NG-82), Gaya.
6. The Project Director, National Highways Authority of India, Ministry of Road Transport and Highways Regional Office, Bihar, Patna.
7. The Registrar, District Registration Office, Nawada.
8. The Circle Officer, Hisua, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Mishra, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C.-25
For the Resp. No. 5	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-09-2024 Heard learned Counsel for the petitioners, learned

Counsel for the State and learned Counsel for the Respondent

No. 5.

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

*(i) For issuance of an appropriate
writ/writs or order/orders or
direction/directions in the nature of
mandamus commanding the concerned
respondents that the six members joint
enquiry report dt. 09.07.2018 is not effective
for the petitioners since the same is much*



before the publication of Gazette Notification in newspaper dt. 27.04.2019 as well as due to non-considering of relevant documents/notification of the Government of Bihar which is in operation regarding rate of the same.

(ii) For issuance of an appropriate writ/writs or order/orders or direction/directions in the nature of certiorari for quashing the order dated 22.07.2022 passed by the learned Arbitrator-cum-Commissioner, Magadh Division, Gaya in Arbitration Case No. 58 of 2020 (as contained in Annexure-10 of instant petition) by which application filed for claim of compensation at commercial rate of acquired land situated in Village-Panchu (Mauza-Hisua) Thana no.63 District-Nawada bearing Khata no.51(old)/273 (New), Khesara no.60 (old)/107 (New) Area-7.78 Dec. under the Project of National Highway-82 has been rejected.

(iii) For issuance of an appropriate writ/writs or order/orders or direction/directions in the nature of mandamus commanding the respondent no.4 and 5 to assess the compensation of the acquired land of the petitioners at the commercial rate whereas the minimum valuation of the said land issued by the



Registration Office, Nawada is much higher than paid rate (as contained in Annexure-8 of writ petition) since the land in question is lying just beside of the National Highway-82 and the same was under use for commercial purpose by erecting/construction of shops and to pay the compensation of land at the claimed rate i.e. at commercial rate to the petitioners.

(IV) And any other relief/reliefs may also be granted in favour of the petitioners for which they are found to be entitled in view of the facts and circumstances of the case.

3. Learned Counsel for the petitioners submits that the land of the petitioners have been acquired for widening of road i.e. Four Lane Project of National Highway-82 (Gaya-Hisua-Rajgir-Biharsharif Sections).

4. Thereafter, the satisfaction between the compensation amount, the petitioners have approached the learned Arbitrator in Arbitration Case No. 58 of 2020 and the same was allowed in favour of the petitioners vide order dated 22.07.2022 and despite of that the Respondent-Authority has not complied the aforesaid order.

5. Learned Counsel for the Respondent No. 5 has filed



a counter affidavit stating therein that Respondent No. 5 has filed a Civil Miscellaneous (Arbitration) Appeal Case No. 06 of 2023 in the learned Court of District Judge, Nawada against the order of the learned Arbitrator which was passed in Arbitration Case No. 58 of 2020.

6. Learned Counsel for the petitioners submits that he has not received any notice in the aforesaid Civil Miscellaneous (Arbitration) Appeal Case No. 06 of 2023 till date and he has come to know first time when the Counsel for the Respondent No. 5 has filed the counter affidavit.

7. In view of the aforesaid observations, the writ petition stands disposed of with the direction to the petitioners to appear in the Civil Miscellaneous (Arbitration) Appeal Case No. 06 of 2023 and learned District Judge, Nawada is directed to dispose of the aforesaid Civil Miscellaneous (Arbitration) Appeal Case No. 06 of 2023 in accordance with law after hearing all the concerned parties to expedite and conclude the aforesaid case at an earliest.

(Rajesh Kumar Verma, J)

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