

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18163 of 2022

1. Om Prakash Yadav Son of Late Sahdeo Yadav, Resident of Village- Hardiabad, P.S.-Mufassil, Distt.-Munger.
2. Ranbir Yadav Son of Late Sahdeo Yadav, Resident of Village- Hardiabad, P.S.-Mufassil, Distt.-Munger.
3. Asha Devi Wife of Shri Kant Yadadv, Resident of Village- Hardiabad, P.S.-Mufassil, Distt.- Munger.

... .. Petitioners

Versus

1. The Union of India, through the Secretary, Department of Ministry of Road, Transport, and Highway Authority of India, New Delhi.
2. The Secretary, Department of Ministry of Road, Transport, and Highway Authority of India, New Delhi.
3. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
4. The Addl. Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
6. The Commissioner, Munger, Division, Munger
7. The District Magistrate, Munger.
8. The Competent Authority Cum Land Acquisition Officer, Munger.
9. The Circle Officer, Munger, Sadar, Munger.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Jyoti Ranjan Jha, Advocate
For the Respondents	:	Mr. Rajesh Kumar Shandilya, Advocate
		Mr. Vinayak Harshvardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-09-2024 Heard Mr. Jyoti Ranjan Jha, the learned counsel for the petitioners, the learned counsel appearing on behalf of NHAI and the learned counsel appearing on behalf of the State.

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

(1) For commanding and directing the respondents, to re-measure the land of the petitioners and reschedule



the quantum of compensation as per the existing provision and present market rate as fixed by District Registration Office, Munger, with regard to payment of compensation.

(II) For commanding and directing the respondents, to stay the operation of impugned notice dated 24.07.2021 and 31.05.2022 issued to the petitioners, asking them to present paper of theirs respective land for receiving compensation.

(III) For holding that, impugned notices issued to the petitioners are not sustainable in the eyes of law for the sole reason that, the same has been issued without properly following the guideline dated 28.12.2017, issued by Ministry of Road Transport & Highways, Government of India.

(IV) For any other relief(s) for which the petitioners are found entitled in the eyes of law.

3. Learned counsel for the petitioners submits that land of the petitioners have been acquired by the Central Government for construction of four lane road between Munger to Mirza Chowki, named as N.H. 80, without issuance of any prior notice about the acquisition of their land or providing the petitioners any opportunity to file their objection in any manner and suddenly, notices dated 24.07.2021 and 31.05.2022, were issued to the petitioners asking them to furnish their respective papers related to ownership of land for receiving the compensation awarded to them.

4. Learned counsel for the petitioners submits that from bare perusal of the aforesaid notices, it appears that not



only the area of the land was wrongly mentioned / measured, but also the quantum of compensation was also not in accordance with the rate of land as fixed by District Registration Office, Munger.

5. Learned counsel for the petitioners submits that in compliance of the aforesaid notices, the petitioners filed their respective land possession certificate as well as the notification of the District Registration Office, Munger and categorically stated that not only the area of their land has been wrongly mentioned / measured by the respondents, but also the determination of the compensation was also not in accordance with the rate fixed by the authority concerned and requested the respondent no. 8 to consider their grievances and to pass a reasonable order in this regard.

6. Learned counsel for the petitioner further submits that despite placing the relevant documents before the respondent no. 8, for its due consideration, respondent no. 8 has not considered the grievance of the petitioners.

7. Learned counsel for the petitioners submits that aggrieved by the conduct of respondent no. 8, the petitioners filed a petition vide Land Acquisition Case No. 25 of 2022, 23 of 2022 and 24 of 2022 respectively on 07.04.2022 before the Learned Commissioner, Munger Division, Munger and prayed



for re-measurement of the land and re-fixation of quantum of compensation as per the existing provisions as well as the latest guideline, but, till date, no action has been taken by the respondent no. 6 regarding redressal of the grievance of the petitioners and without providing any opportunity to file the objections with regard to the correct measurement of the land in question and re-fixing the quantum of compensation, the respondent authority has not considered the grievance of the petitioners.

8. Learned counsel for the State has filed a detailed counter-affidavit stating therein that Gazette Notification was published with respect to land in question vide notification no. 1293 dated 21.03.2018 as provided under Section 3A Sub Clause (1) of the N.H. Act, 1956, in respect to the land in question for acquisition of the same. As per aforesaid notification, the persons who have vested right in the land in question can file their objection before the DLAO, Munger. The Gazette Notification vide notification no. 1149 was published (notified) finally as provided under Section 3D (1) of the N.H. Act, 1956 and since then, the concerning lands remain vested in Central Government. It also appears from the record of the case that the petitioners have not raised any objection even after a lapse of twenty-one days of Gazette Notification of 3A (1) of



the N.H. Act, 1956. The petitioners have the right to file their objection within the stipulated time under the Act from the date of Gazette Notification, however, they failed to do so.

9. Learned counsel for the petitioners submits that he has received an information that during the pendency of the writ petition, in the Land Arbitration Case Nos. 23 of 2022, 24 of 2022 and 25 of 2022, which were pending before the respondent no. 6 for consideration, respondent no. 6 has passed orders in the aforesaid Land Arbitration Cases and under the Act, the petitioners are required to challenge the same before the competent Civil Court.

10. In view of the aforesaid, the writ petition is disposed of with a liberty to the petitioners to challenge the orders passed by the learned Commissioner in Land Arbitration Case Nos. 23 of 2024, 24 of 2022 and 25 of 2024, before the competent Civil Court.

11. Accordingly, with the aforesaid liberty, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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