

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17711 of 2024

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1. Raziya Begam Wife of Late Atiur Rahman Khan @ Late Atur Raman Khan
Resident of Village- Chorma, P.S.- Pakaridayal, District- East Champaran.
 2. Aftab Ali Khan Son of Late Atiur Rahman Khan @ Late Atur Raman Khan
Resident of Village- Chorma, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. Union of India, through the Secretary National Highway Department, New Delhi.
2. The Secretary, Government of India Ministry of Road Transport of Highway, New Delhi.
3. National Highway Authority of India, through its Project Director, Incharge of N.H.-104, New Delhi.
4. The State of Bihar, through the Principal Secretary Revenue and Land Reforms, Government of Bihar, Patna.
5. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
6. The District Magistrate-cum-Collector, East Champaran at Motihari.
7. The Sub Divisional Officer, Pakari Dayal, East Champaran.
8. The District Land Acquisition Officer, East Champaran at Motihari.
9. The Circle Officer, Madhuban, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Adv. Mr.Dharmesh Kr. Shrivastava, Adv.
For Union of India	:	Mr.Amrendra Nath Verma, Sr. Panel Counsel Mr.Mukesh Kumar, C.G.C.
For NHAI		Dr. Anand Kumar, Adv.
For the State		Mr. Nalin Vilochan Tiwary, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
Date : 26-11-2024

Heard the parties.



2. In the instant petition, petitioner has prayed for the following relief(s):-

a) For issuance of writ in the nature of mandamus or any other appropriate writ (s), order (s), direction (s) to respondents to make payment of acquired land of petitioners, which was acquired by the authority for the purpose of the construction of N.H. 104 Pakaridayal to Madhuban. The authority acquired the land of petitioner No. 1 bearing Khata No. 243, Khesra No. 648 and Khata No. 292, Khesra No. 647, Area No. 03 decimal, Mauja-Dulma and land of Petitioner No. 2 bearing Khata No. 292, Khesra No. 648, Area- 01 Decimal, Mauja-Dulma come under the preview of Class-1 category.

(b) For issuance of writ in the nature of Mandamus or any other appropriate writ (s), order (s), direction (s) to respondents to disposed of the objection petition dated 31.03.2023 filed by the petitioners under the Right to fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred as to the Act) in Land Acquisition Case No. 19/2013- 14 (Kendra versus Raziya Begam and another) as soon as possible since the matter is pending before him since



long.

(c) For issuance of any other appropriate writ (s), order (s), direction (s) for which the petitioner is entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that petitioner no. 1 is bona fide land holder, who had purchased the land bearing Khata No. 243, Khesra No. 648 and Khata No. 292, Khesra No. 647 Area 16.50 decimal, Mauza Dulma and petitioner no. 2 purchased land bearing Khata No. 292, Khesra No. 648 from the bona fide person, namely, Byas Prasad Singh, son of Late Ygyanand Singh on 17.10.2011 and 01.12.2011 respectively. He further submits that land of petitioners have been acquired for construction of N.H. 104 (Pakaridayal to Madhuban) and nature of land was declared as agricultural land but they have not received single penny till today. Learned counsel for the petitioners have grievance that land in question is of commercial value and the concerned authority has declared the said land as agricultural land. He further submits that petitioners have represented his grievance that his land should be declared as commercial land before Collector, East Champaran, Motihari but till today no steps has been taken.



4. Counsel for the State has submitted that petitioner has not raised his grievance before the appropriate forum i.e. Divisional Commissioner-cum-Arbitrator duly appointed under the notification issued by the Union of India under Section 3G(5) of the National Highways Act, 1956 and without approaching the appropriate forum petitioners have rushed to this Court.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with direction to petitioners to approach before the Divisional Commissioner-cum-Arbitrator in terms of Section 3G(5) of the National Highways Act, 1956 to raise their grievance within a period of four weeks from the date of receipt of this order. If petitioners raise their grievance before the concerned forum/authority by filing representation within stipulated period, the concerned forum/authority shall pass appropriate order on the representation of the petitioners within ten weeks from the date of filing of representation in accordance with law after giving due opportunity of hearing to the party concerned.

6. It is worth mentioning that period which has been spent by the petitioners in approaching different forum be



considered sympathetically while considering the aspect of delay.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.11.2024.
Transmission Date	N.A.

