

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.605 of 2024

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Gita Devi W/o Amrendra Yadav, Resident of Lakhua, P.O- Sahiya, P.S- Wazirganj, Gaya, Bihar-805131.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways Department, New Delhi-110001.
2. National Highway Authority of India (N.H.A.I.), through the Project Director, N.H.A.I. Project Execution Unit, Gaya- Hisua- Rajgir- Biharsharif, Gaya.
3. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Land Acquisition Officer, Gaya.
6. Surya Mani Tiwari, W/o Late Paras Nath Tiwari Resident of Chaksen Tola Karjara, P.O.- Thiriyawan, P.S.- Wazirganj, Dist- Gaya.
7. Vir Mani Tiwari, Son of Late Paras Nath Tiwari Resident of Chaksen Tola Karjara, P.O.- Thiriyawan, P.S.- Wazirganj, Dist- Gaya.
8. Deo Mani Tiwari, Son of late Paras Nath Tiwari Resident of Chaksen Tola Karjara, P.O.- Thiriyawan, P.S.- Wazirganj, Dist- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Priyadarshi Pankaj Raj Anand, Advocate
For UOI	:	Mr. Vishal Ranjan, CGC
		Mr. Shashank Shekhar, Advocate
For NHAI	:	Dr. Maurya Vijay Chandra, Advocate
For the State	:	Mr. Abbas Haider, SC-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-04-2024 Heard Mr. P. Pankaj Raj Anand, learned counsel for the petitioner, Dr. Maurya Vijay Chandra representing the National Highway Authority of India (for short 'the NhAI') and Mr. Abbas Haider, SC-6.

2. The petitioner has prayed for the following reliefs:

(i) for quashing the order dated



03-08-2023 passed by the District Land Acquisition Officer (Resp. no.5) to deposit the compensation amount to the Land Acquisition, Rehabilitation and Resettlement authority till the pendency of the title suit without completely examining the records and without going through the real facts of the case and passed such a cryptic order;

(ii) for issuance of appropriate writ/writs, order/orders direction/directions to the respondents for passing a reasoned order for paying the compensation to the petitioner from whom the land was acquired for the purpose of development/broadening of N.H-82 and because which some parts of Gyan Darshan Niketan school had been also demolished;



(iii) for any other relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the case.

3. At the outset, learned counsel for 'the NHAI' submits that Asha Devi, who is a necessary party, has not been impleaded as the party respondent and as such the writ petition is fit to be dismissed for non joinder of the necessary party.

4. However, he submits that in such cases where there is dispute relating to the ownership of the land, the recourse available before the Competent Authority Land Acquisition (CALA) is/are to deposit the amount to the competent Civil Court instead of putting the matter in abeyance which has been done by the respondent no.5, the District Land Acquisition Officer, Gaya vide its order dated 3.8.2023 in Land Acquisition Case No. 321 of 2015.

5. Learned counsel for the petitioner submits that he may be permitted to approach the competent authority so that he is able to pass necessary order in line with the different provisions of the National Highway Authority Act, 1956 after hearing all the parties concerned.

6. This Court finds force in the submissions put



forward by Dr. Maurya Vijay Chandra, learned counsel appearing on behalf of the 'NHAI'.

7. In the aforesaid circumstances, liberty is granted to the petitioner to approach the concerned authority, 'CALA' (the respondent District Land Acquisition Officer, Gaya).

8. If such petition is preferred within a period of four weeks from today, the same shall be taken to its logical conclusion in next six months after granting opportunity to all concerned and putting them on notice.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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