

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16729 of 2018

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Bishwanath Singh son of Late Sarjoo Singh Resident of Village- Bhendeya,
P.S.- Aurangabad M, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Aurangabad.
3. The Additional Collector cum Arbitrator, Aurangabad.
4. The Deputy Collector Land Reforms cum Competent Authority,
Aurangabad.
5. The Chief General Manager National High Way II, Aurangabad.
6. The Project Director, P.I.U., N.H.A.I, Varanasi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
For the Respondent/s	:	Dr. Maurya Vijay Chandra, Adv. Mrs. Preety Ranjan, Adv.
For the State	:	Mr. Raj Kishore Roy- GP-18

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2025 Heard Learned Counsel for the petitioner, Learned
Counsel for the N.H.A.I. and Learned Counsel for the State.

2. The present writ petition has been filed for directing the authority to pay the compensation to the petitioner for the land acquired for widening of National Highway-2 for which neither notice to this effect has been issued nor compensation has been paid though the land in question is proposed to be acquired in the year 2010 and new notification for extra land in the year 2015 with all statutory benefits by initiating fresh proceeding under the National Highway Act read with Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as RFCTLARR Act, 2013) [Act No. 30 of 2013].

3. Counsel for the petitioner submits that the petitioner is the owner of the land pertaining to Khata No. 70, Plot No. 800, measuring total area 16 decimal is situated in Mauza Bhendeeya, Cricle + District- Aurangabad. Counsel for the petitioner submits the petitioner is paying rent and State Government has granted rent receipt for the same. Counsel further submits that he has filed representation before the D.C.L.R., Aurangabad who is the competent authority under the National Highway Act but nothing has happened.

4. Learned Counsel for the State submits that under the National Highway Act, the respective Deputy Collector of Land Reforms (D.C.L.R) is the competent authority. Counsel further submits that, from the record, it transpires that the petitioner has filed a representation, however, the said representation is undated and lacks both a date and signature.

5. Learned Counsel for the NHAI submits that the counter has been filed. From *Annexure – A* to the counter affidavit filed on behalf of the respondent no. 2 to 4, it is clear that the petitioner's land, bearing Khata No. 70, Plot No. 800, measuring total area 16 decimals, situated in Mauza Bhendeeya, Cricle + District- Aurangabad, has not been acquired by the State



Government for widening of National Highway-2. As such, the petitioner has no case.

6. In the light of the submissions and the pleadings made by the parties and considering *Annexure- A* to the counter affidavit filed on behalf of the respondent no. 2 to 4, which is the Gazette notification, dated- 08.12.2010, it transpires that the petitioner's land has not been acquired, and hence, the petitioner has no case at all.

7. It transpires to this Court that this is a case of 2018. If, during the long pendency of the case, any further requisition has been made, the petitioner may have a fresh cause of action. However, based on the present writ petition, the petitioner is not entitled to any relief.

8. Hence, the writ petition stands disposed off, granting liberty to the petitioner that if any fresh cause of action arises, the petitioner may file a fresh writ petition in accordance with the law.

(Dr. Anshuman, J.)

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