

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7466 of 2017

1. Ramashray Rai Son of Late Sarju Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
2. Ramnath Rai.
3. Sidhnath Rai,
4. Dinanath Rai.
5. Akshaibar Nath Rai, All sons of Late Mukteshwar Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
6. Ramlakshan Rai.
7. Ramdahin Rai,
8. Narbdweshwar Rai, All Sons of late Parsidhan Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
9. Shailendra Rai.
10. Satyendra Rai, Both sons of late Ramcheez Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
11. Lalan Rai, Son of Late Nagina Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S.- Industrial Area, Buxar, District- Buxar.
12. Ritesh Kumar Rai, Son of Sadan Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
13. Ram Pravesh Rai.
14. Jagarnath Rai. Boths Sons of Late Shankar Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
15. Tribhuwan Rai, Son of Late Vishwanath Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
16. Radhika Devi, Wife of Late Sanjay Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
17. Bhrigunath Rai.
18. Baban Rai, Both sons of Late Narsingh Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
19. Vibhuti Kumar Rai,
20. Ravindra Nath Rai, Both sons of Late Vishwanath Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
21. Sachidanand Rai, Son of Late Ram Niwas Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
22. Ram Drash Rai, son of Late Nakchedi Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
23. Mahendra Rai.
24. Tarkeshwar Rai, Both sons of Late Rajinder Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
25. Dhananjay Area, Son of Late Ram Chandra Rai, Resident of Village-



Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.

26. Baliraj Rai, Son of Late Sarju Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
27. Sheshnath Rai, Son of Late Kapildeo Rai, Resident of Village- Darahpur, P.O.- Churamanpur, P.S. Industrial Area, Buxar, District- Buxar.
28. Maya Rai, Wife of Parmeshwar Rai, Resident of Village- Arjunpur, P.O.- Arjunpur, P.S. Industrial Area, Buxar, District- Buxar.
29. Meena Rai, Wife of Harendra Rai, Resident of Village- Arjunpur, P.O.- Arjunpur, P.S. Industrial Area, Buxar, District- Buxar.
30. Upendra Rai, son of Harihar Rai, Resident of Village- Arjunpur, P.O.- Arjunpur, P.S. Industrial Area, Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary, Ministry of Road Transport and National Highways, New Delhi.
3. The Regional Director, N.H.A.I, Srikrishnapuri Patna.
4. The Project Director, N.H.A.I, Srikrishnapuri Patna.
5. The State of Bihar.
6. The Collector, Buxar.
7. The Additional Collector, Buxar.
8. The District Land Acquisition Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Advocate
For the Respondent/s : Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-04-2025 Heard learned counsel for the petitioners, learned counsel representing the State and there is no representation on behalf of the National Highways Authority of India.

2. The present petition has been filed for grant of following relief:

(i) For issuance of a writ in the nature of



Mandamus commanding the respondents to fix the compensation of the lands belonging to the petitioner as per provision laid down under section 3 (G) the National Highways Act, 1956.

(ii) For issuance of a writ in the nature of Mandamus commanding the respondents to fix the compensation of the lands belonging to the petitioner as per letter no. 684 dated 26.05.2016 and letter no. 748 dated 07.06.2016 (Annexure-7 and 8 respectively of the writ petition)

(iii) For issuance of any other writ/writs /order/orders or direction to which the petitioners may be found entitled to in the facts and circumstances of the case.

3. A counter affidavit has been filed by learned State counsel duly signed by District Land Acquisition Officer, Buxar (respondent no.8) and the paragraph no. 10 read as follows:

10. That it is humbly submitted and stated that in Paragraph No. 8 the acquisition the District land Acquisition Officer has power to hear the objection with regard to use of the land under section 3C of the National Highways Act 1956



(hereinafter will be referred as the NH Act). And after the acquisition the Arbitrator has power to hear the grievances with regard to market valuation of the land u/s 3G (5) of the NH Act. And with regard to non acceptance of the award including classification of the land the arbitrator has the power to resolve the dispute under the NH Act.

4. In that background, the writ petition stands disposed of with a direction to the petitioner to approach the Arbitrator-cum-Commissioner, Patna Division, Patna alongwith all the necessary documents in next four weeks.

5. If such representation is filed, the same shall be considered and disposed of within the statutory period by the aforesaid Arbitrator-cum-Commissioner, Patna Division, Patna.

(Rajiv Roy, J)

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