

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10755 of 2017

- 1.1. Brajesh Kumar Singh Son of late Nirmal Kumar Singh @ Nirmal Singh, Resident of Village and P.O. - Sakaddi, P.S. and Anchal Koilwar, District- Bhojpur at Ara.
- 1.2. Nitesh Kumar Singh @ N.K. Singh, Son of Late Nirmal Kumar Singh @ Nirmal Singh, Resident of Village and P.O. - Sakaddi, P.S. and Anchal Koilwar, District- Bhojpur at Ara.
- 1.3. Mithesh Kumar Singh, Son of Late Nirmal Kumar Singh @ Nirmal Singh, Resident of Village and P.O. - Sakaddi, P.S. and Anchal Koilwar, District- Bhojpur at Ara.
2. Anil Kumar Singh @ Anil Singh, S/o Late Ram Niwas Singh, Both are resident of village and P.O.- Sakaddi, P.S. Anchal- Koilwar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary, Ministry of Road Transport and National Highway, New Delhi.
3. The State of Bihar.
4. The Collector, Bhojpur at Ara.
5. The Additional Collector, Bhojpur at Ara.
6. The District Land Acquisition Officer, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh
For the Respondent/s	:	Mr.Md.Khurshid Alam-Aag12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2025 Learned counsel for the petitioners prays for and is allowed to implead the Arbitrator cum Divisional Commissioner, Patna Division, Patna as respondent no.7 in course of the day.

Heard Mr. Manoj Kumar Singh, learned counsel for the petitioners and Mr. Maurya Vijay Chandra, learned counsel



representing the National Highways Authority of India.

2. The present petition has been preferred for the following relief/s:

(i) for an order or direction commanding the Respondents to determine the fair marked value of the land on the date of publication of the notification under section 3A of the National Highway Act, 1956 since the land in question is being used for the purposes of the commercial since 1998 and quash the notice bearing no. 683 dated 13.12.2016 issued under the signature of the competent Authority-cum-District Land Acquisition Officer, Bhojpur whereby and where under he has been pleased to determine the land in question as Bheeth in u/s 3G of the National Highway Act, 1956 as arbitrary manner.

I.A. No. 02 of 2023:

3. The aforesaid Interlocutory Application has been preferred for substituting the heirs of petitioner no.1, Nirmal Kumar Singh @ Nirmal Singh who died on 29.05.2022 leaving behind the heirs as recorded in para-2 of the petition which are



as follows:

(i) Brajesh Kumar Singh

(ii) Nitesh Kumar Singh @ N.K. Singh

*(iii) Mithesh Kumar Singh, all sons of
late Nirmal Kumar Singh @ Nirmal
Singh, all resident of village and P.O.
Sakaddi, P.S. & Anchal-Koilwar,
District-Bhojpur at Ara.*

4. There is no objection from the other side.

5. In that background, the I.A. No. 02 of 2023 is
allowed.

6. Let the names of the heirs be incorporated in place
of petitioner no.1, Nirmal Kumar Singh @ Nirmal Singh.

C.W.J.C. No. 10755 of 2017:

7. After some argument, learned counsel for the
petitioners submit that they shall be approaching the Arbitrator
cum Divisional Commissioner, Patna Division, Patna (newly
added respondent no.7) for the redressal of the grievance but
there has been delay in filing the said petition.

8. If the petition is preferred in next four weeks, the
Arbitrator cum Divisional Commissioner, Patna Division, Patna
shall look into the matter that the petitioners were agitating the



matter before the Patna High Court while dealing with the
limitation petition.

9. The writ petition is disposed of.

(Rajiv Roy, J)

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