

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12446 of 2017

1. Narayan Thakur and Ors S/o Late Ram Deyal Thakur,
2. Nagina Prasad, S/o Late Mahadev Prasad,
3. Lal Babu @ Mustak, S/o Late Hafij Taiyab,
4. Nagindra Prasad, S/o Late Ramayodhya Prasad,
5. Most. Meba Khatoon, W/o Late Kedar Miya, R/o Village- Kanna Dumariya, P.O.- Korihar, P.S.- Raxaul, District- E. Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Bihar, Patna.
4. The Director, Land Acquisition, Bihar, Patna.
5. The Joint Secretary, Department of Home, Bihar, Patna.
6. The Collector, Motihari.
7. The Land Acquisition Officer Motihari.
8. The Union of India through the Ministry of Home Affairs, Govt. of India, through its Secretary, North Block, New Delhi
9. The Secretary, Border Management Ministry of Home Affairs, Government of India, North Block, New Delhi
10. Commissioner, Tirhut Division

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Mallika Mazumdar, Advocate Ms. Zeba Akhtar, Advocate
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18
For the UOI	:	Mr. Awadhesh Kr. Pandey, Sr. CGC Mr. Abhishek Kr. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Learned counsel for the petitioner prays for and is allowed to implead the Arbitrator-cum-Divisional Commissioner, Tirhut Division, Muzaffarpur as respondent no. 10 in course of the day.



2. Heard Mrs. Mallika Mazumdar, learned counsel for the petitioners, learned State counsel as also Mr. Awadhesh Kr. Pandey, Sr. CGC.

3. The present writ petition has been preferred for the following relief(s):

“for mandamus on the Respondent authorities to make equal payment to all owners for the same quality of land acquired for the same purpose i.e. for construction of check post at Raxaul.”

4. It is grievance of the petitioners that the respondents have discriminated in making payment inasmuch as for the same set of lands, while the petitioners have been paid meager amount, the others have been paid the amount to the tune of Rs. 70,00,000/-. She has taken this Court to paragraph-11 to support her case.

5. A counter-affidavit has come on behalf of the District Land Acquisition Officer, East Champaran, Motihari (respondent no. 7) in which in paragraph-12 the reply has come and read as under:

“12. That as regards statements made in paras No. 9 to 12 of the writ petition is concerned,



*it is stated that under N.H. Act 1956 acquisition of land of Mauza Kanana Purshottampur Thana No. 21 Khesra No. 2289 and 2286 was done vide notification dated 28.10.2010 vide Case No.07/2011*12 and another programme of extension of N.H-28A was initiated after 4 years vide notification dated 25/11/2014 through case No. 08/2014-15. Both the acquisitions were not same. Second acquisition was made after four years Construction of extended N.H-28A caused rapid development in the area as it connected Integrate Check Post at Raxaul which affected the value of the land in second acquisition vide Case No.08/2014-15 (vide notification dated 25.11.2014).”*

6. The counter-affidavit came in the year 2020 after service of copy to the petitioner and there is no rejoinder to it.

7. Learned counsel for the petitioners, Mrs. Mazumdar submits that they are poor, have little knowledge of the basics of the law and since they are aggrieved would like to approach the newly added respondent no. 10, Arbitrator-cum-Divisional Commissioner, Tirhut Division, Muzaffarpur for the



redressal of their individual grievance.

8. Learned State counsel as also learned counsel representing the Union of India submits that such avenue is/are always available to an aggrieved persons.

9. Taking into account the aforesaid facts and the limited prayer that Mrs. Mazumdar has made, the writ petition stands disposed of allowing the petitioners to approach the concerned respondent who shall take up the matter and dispose it of in accordance with law.

(Rajiv Roy, J)

Adnan/-

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